

WEDNESDAY, APRIL 22, 1998

EIGHTY-SIXTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Nick Pappas, New Beginning Fellowship Baptist Church, Jackson, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

PERSONAL ORDERS

RULES SUSPENDED

Rep. White moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 745 out of order, which motion prevailed.

House Joint Resolution No. 745 -- Memorials, Sports - 1998 Lawrence County High School girls' basketball team, TSSAA Class AAA state champions. by *White.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. White, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 91: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Joint Resolution No. 167: Rep(s). Pleasant as prime sponsor(s).

House Joint Resolution No. 699: Rep(s). Ridgeway as prime sponsor(s).

House Joint Resolution No. 735: Rep(s). Cooper and Brooks as prime sponsor(s).

House Bill No. 11: Rep(s). Hargett as prime sponsor(s).

House Bill No. 754: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1042: Rep(s). Buck as prime sponsor(s).

House Bill No. 1313: Rep(s). Buck as prime sponsor(s).

House Bill No. 1488: Rep(s). Davis, Givens and Roach as prime sponsor(s).

House Bill No. 1492: Rep(s). Whitson as prime sponsor(s).

House Bill No. 1694: Rep(s). Beavers, L. DeBerry, Eckles, Bowers and S. Jones as prime sponsor(s).

House Bill No. 1751: Rep(s). Stulce, Turner(Hamilton) and Walker(Rhea) as prime sponsor(s).

House Bill No. 2055: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2124: Rep(s). Bone, Boyer and Bittle as prime sponsor(s).

House Bill No. 2178: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2179: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2180: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2410: Rep(s). Bittle as prime sponsor(s).

House Bill No. 2474: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Bill No. 2783: Rep(s). Bowers and Cooper as prime sponsor(s).

House Bill No. 2912: Rep(s). Chumney as prime sponsor(s).

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Bill No. 2949: Rep(s). Hargrove, Rhinehart, Kisber, Armstrong, L. DeBerry, Rinks, Head, Cole(Carter), Cole(Dyer), Kent, Whitson, Chumney, Naifeh, Fraley and Sargent as prime sponsor(s).

House Bill No. 3000: Rep(s). Fraley as prime sponsor(s).

House Bill No. 3132: Rep(s). Cooper, Langster, Armstrong, Ritchie, Brown, Tindell and Towns as prime sponsor(s).

House Bill No. 3177: Rep(s). Haley, Miller and Pleasant as prime sponsor(s).

House Bill No. 3190: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 3237: Rep(s). Mumpower, Bone, Caldwell, Ferguson and Walker(Rhea) as prime sponsor(s).

House Bill No. 3244: Rep(s). Bowers and Fitzhugh as prime sponsor(s).

House Bill No. 3326: Rep(s). Cross as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Ritchie was/were removed as sponsor(s) of **House Bill No. 1580.**

On motion, Rep(s). Ferguson was/were removed as sponsor(s) of **House Bill No. 2578.**

On motion, Rep(s). Beavers was/were removed as sponsor(s) of **House Bill No. 3237.**

MESSAGE FROM THE SENATE

April 20, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 676, 678, 680, 681, 686, 688, 689, 690, 693 and 695; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 20, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2437, 2549, 2621, 2683, 2868, 2923, 2934, 2991, 3139, 3223, 3387, 3389, 3393, 3396 and 3398, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK
April 20, 1998

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2662, 2718 and 3003.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 20, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 612, 613, 614, 615, 616, 617, 618, 620, 622, 623, 624, 626, 628, 629, 630, 631, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 648, 650, 651, 652 and 653; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 612 -- Memorials, Professional Achievement - General Shale Product Corporation, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 613 -- Memorials, Professional Achievement - American Water Heater Company, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 614 -- Memorials, Professional Achievement - Corporate Systems Administration, Inc., Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 615 -- Memorials, Professional Achievement - Johnson City Medical Center, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 616 -- Memorials, Professional Achievement - Snap-On Tools Company of Elizabethton, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 617 -- Memorials, Professional Achievement - Siemens Energy and Automation, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 618 -- Memorials, Professional Achievement - Natural Foods Market of Johnson City, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 620 -- Memorials, Retirement - Mayor Joe B. Jackson, Murfreesboro. by *Womack, *Kyle, *Womack, *Harper, *Cohen.

Senate Joint Resolution No. 622 -- Memorials, Public Service - Riley King. by *Clabough.

Senate Joint Resolution No. 623 -- Memorials, Professional Achievement - Rotary Club of Alcoa, 50th Anniversary. by *Clabough.

Senate Joint Resolution No. 624 -- Memorials, Personal Occasion - Wes and Helen Haynes, 50th Wedding Anniversary. by *Haynes, *Graves.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 626 -- Memorials, Recognition and Thanks - African American Pastors Consortium on HIV/AIDS. by *Dixon.

Senate Joint Resolution No. 628 -- Memorials, Sports - 1997-1998 Cordova High School cheerleading squad. by *Person, *Leatherwood, *Cohen.

Senate Joint Resolution No. 629 -- Memorials, Sports - University of Tennessee Lady Volunteers, 1998 NCAA women's basketball champions. by *Haynes, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 630 -- Memorials, Retirement - Ben T. Powell, State 4-H leader. by *Haynes, *Rochelle.

Senate Joint Resolution No. 631 -- Memorials, Personal Occasion - Matthew Wade Love, birth. by *Person, *Leatherwood, *Rochelle.

Senate Joint Resolution No. 633 -- Memorials, Public Service - Kirk Whalum. by *Cohen, *Kyle, *Cohen.

Senate Joint Resolution No. 634 -- Memorials, Professional Achievement - Eugene L. "Gene" Joyce, East Tennessee Junior Achievement Business Hall of Fame inductee. by *McNally, *Cohen.

Senate Joint Resolution No. 635 -- Memorials, Academic Achievement - Anita Ramesh Patel, 1998 Valedictorian, Waverly Central High School. by *Springer.

Senate Joint Resolution No. 636 -- Memorials, Academic Achievement - Lucas John Griff, III, Co-valedictorian, Waverly Central High School. by *Springer.

Senate Joint Resolution No. 637 -- Memorials, Academic Achievement - Kayla D. Goodwin, 1998 Salutatorian, Lawrence County High School. by *Springer.

Senate Joint Resolution No. 638 -- Memorials, Academic Achievement - Penny Martin, 1998 Valedictorian, Lawrence County High School. by *Springer.

Senate Joint Resolution No. 639 -- Memorials - Hank Williams, Sr. by *Springer, *Herron.

Senate Joint Resolution No. 640 -- Memorials, Death - Dr. Jack Lynch. by *Cooper, *Henry.

Senate Joint Resolution No. 641 -- Memorials, Death - Barbara Anne Darden. by *Kurita.

Senate Joint Resolution No. 642 -- Memorials, Interns - Jeffrey Wayne Dewees, 1998 Salutatorian, Hickman County High School. by *Springer.

Senate Joint Resolution No. 643 -- Memorials, Academic Achievement - Miriam ImObersteg, 1998 Valedictorian, Hickman County High School. by *Springer.

Senate Joint Resolution No. 644 -- Memorials, Retirement - Chancellor Frederick D. McDonald. by *Gilbert, *Atchley, *McNally.

Senate Joint Resolution No. 645 -- Memorials, Retirement - Chancellor David Cate. by *Gilbert, *Atchley, *McNally.

Senate Joint Resolution No. 646 -- Memorials, Personal Achievement - John R. Hicks, Eagle Scout. by *Haynes, *Rochelle.

Senate Joint Resolution No. 648 -- Memorials, Sports - 1997-1998 Moore County High School girls' basketball team, TSSAA Class A runner-up. by *Cooper.

Senate Joint Resolution No. 650 -- Memorials, Professional Achievement - The Peerless Restaurant, "Restaurant of the Year". by *Crowe.

Senate Joint Resolution No. 651 -- Memorials, Public Service - Vice Admiral Richard W. Mies. by *Crowe.

Senate Joint Resolution No. 652 -- Memorials, Recognition and Thanks - Espiridon A. Borrego. by *Crowe.

Senate Joint Resolution No. 653 -- Memorials, Professional Achievement - Donald Jeanes, 14th President, Milligan College. by *Crowe.

MESSAGE FROM THE SENATE
April 20, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1613, 1911, 2688, 2787, 2834, 3025, 3045, 3089, 3095, 3279 and 3310; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1613** -- Obscenity and Pornography - Revises Adult-Oriented Establishment Registration Act for the purpose of regulating sexually-oriented businesses. Amends TCA Title 7, Chapter 51, Part 11. by *Jordan, *Leatherwood, *Atchley, *Crowe, *Williams, *Carter, *Henry.

Senate Bill No. 1911 -- Criminal Procedure - Permits court to exclude all non-essential people from courtroom or use one-way glass between victim and defendant when alleged sex offense victim is testifying in defendant's criminal trial. Amends TCA Title 40, Chapter 17. by *Burks.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Bill No. 2688 -- Education - Requires commissioner's annual report of student dropout rates, organized by schools and local school systems, to include cohort rates and event rates. Amends TCA Section 49-1-211 and Section 49-1-216. by *Ford J, *Dixon, *Harper.

***Senate Bill No. 2787** -- Education - Requires children entering kindergarten to be five years of age by 7/31, rather than present date of 9/30. Amends TCA Section 49-6-201(b). by *Burks.

***Senate Bill No. 2834** -- Child Abuse - Revises law on custody determinations in cases involving child abuse. Amends TCA Title 36, Chapter 6, Part 1. by *Ford J.

***Senate Bill No. 3025** -- Parks, Natural Areas Preservation - Authorizes archaeological work to be performed at T.O. Fuller State Park. Amends TCA Title 11. by *Dixon.

***Senate Bill No. 3045** -- Municipal Government - Allows municipalities to create geographic information systems and to sell information from them to the public. Amends TCA Title 7. by *Dixon.

***Senate Bill No. 3089** -- Adoption - Adds emphasis on safety of child by revising foster care, permanency planning, adoption and termination of parental rights laws. Amends TCA Title 36, Chapter 1, Title 37, Chapter 1, Title 37, Chapter 2, Title 37, Chapter 3, Title 37, Chapter 5, and Title 71, Chapter 5. by *Person, *Atchley.

Senate Bill No. 3095 -- Custody and Support - Rewrites biological father waiver of interest provisions and certain child support and Title IV-D child support enforcement provisions. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 24; Title 25; Title 26; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 50; Title 55; Title 56; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Person, *Atchley.

Senate Bill No. 3279 -- Managed Care Organizations - Requires non-TennCare health maintenance organizations to provide certain continuity of care and independent review entity for certain decisions by HMO. Amends TCA Title 56. by *Rochelle, *Elsea.

Senate Bill No. 3310 -- Real Estate Agents and Brokers - Exempts services of vacation lodging management businesses from real estate licensure provisions. Amends TCA Section 62-13-104. by *Clabough, *Cooper.

ENROLLED BILLS
April 20, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 86, 2220, 2539, 2582, 2611, 2713, 2773, 2898 and 3141; also House Resolution(s) No(s). 194.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

**SIGNED
April 20, 1998**

The Speaker signed the following: House Bill(s) No(s). 86, 2220, 2539, 2582, 2611, 2713, 2773, 2898 and 3141; also, House Resolution(s) No(s). 194.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
April 20, 1998**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 676, 678, 680, 681, 686, 688, 689, 690, 693, 695 and 731; also, House Resolution(s) No(s). 192 and 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 20, 1998**

The Speaker signed the following: House Joint Resolution(s) No(s). 676, 678, 680, 681, 686, 688, 689, 690, 693, 695 and 731; also, House Resolution(s) No(s). 192 and 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
April 20, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 513, 515 and 590, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE
April 21, 1998**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3392, 3402, 3403, 3407, 3408, 3409, 3410, 3413, 3415, 3416, 3417, 3418 and 3419; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 21, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 466, 568, 575, 581 and 625; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2076, 2096, 2183, 2184, 2185, 2186, 2244, 2453, 2732, 2733, 2867, 2957, 3001 and 3009; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 21, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2046, 2131, 2253, 2649, 2727, 2790 and 3244; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2046 -- Knox County - Subject to local approval, creates Division VI of general sessions court; creates position of general sessions judge to serve such division Amends Chapter 54, Private Acts of 1939, as amended. by *Gilbert, *Atchley, *McNally.

***Senate Bill No. 2131** -- Sunset Laws - Department of environment and conservation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Springer.

***Senate Bill No. 2253** -- Pensions and Retirement Benefits - Provides that retirement benefit for state employees and teachers retiring with at least 30 years of creditable service shall be at least federal individual poverty income amount. Amends TCA Section 8-36-209. by *Womack, *Atchley.

Senate Bill No. 2649 -- Health, Dept. of - Authorizes department to issue certification that child has been stillborn; authorizes issuance of death certificate for such child. Amends TCA Title 68, Chapter 3, Parts 3 and 5. by *Harper.

Senate Bill No. 2727 -- Physicians and Surgeons - Revises procedure for international medical school graduate to obtain license by identifying one year training program and two year clinical fellowship, both approved by AMA, as meeting requirements of three year residency program. Amends TCA Section 63-6-207. by *Cooper.

Senate Bill No. 2790 -- Board of Regents - Places Tri-County Vocational School under board of regents. Amends TCA Title 49, Chapter 8, Part 1. by *Burks.

Senate Bill No. 3244 -- Bond Issues - Validates disposition of proceeds of school capital outlay notes issued before 1/15/98; requires sharing of new school capital outlay notes. Amends TCA Title 9, Chapters 3 and 21. by *Henry.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 595, 619, 621, 625, 691 and 692; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 595 --** Highway Signs - "Rudolph Caruthers Bridge," S.R. 249, Cheatham County. by *Kurita.

***Senate Joint Resolution No. 619 --** Highway Signs - "William Dugan Memorial Highway," S.R. 56, Beersheba Springs, Grundy County. by *Cooper.

***Senate Joint Resolution No. 621 --** Highway Signs - "The Tennessee Technology Corridor" and "Oak Ridge National Laboratory," I-81, I-40 and I-75. by *McNally, *Gilbert, *Atchley.

***Senate Joint Resolution No. 625 --** Highway Signs - "Dr. L.M. Freeman Memorial Bridge," Cordell Hull Lake, S.R. 53, Jackson County. by *Burks.

Senate Joint Resolution No. 691 -- Memorials, Interns - Deborah Ketchersid. by *Womack.

Senate Joint Resolution No. 692 -- Memorials, Interns - Robert L. Vick, Jr. by *Womack.

SIGNED
April 21, 1998

The Speaker signed the following: Senate Bill(s) No(s). 2075, 2083, 2084, 2085, 2086, 2087, 2101, 2104, 2105, 2107, 2172, 2249, 2324, 2401, 2583, 2715, 3017, 3079, 3092, 3094, 3100, 3148, 3160, 3242 and 3255; also, Senate Joint Resolution(s) No(s). 404, 590, 591, 593, 594, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611 and 660.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 716; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1935; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2106; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2520; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2759; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2897; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 21, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3028; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 21, 1998

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 466, 568, 575, 581 and 625.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 21, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 466, 568, 575, 581 and 625

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 21, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 3211, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 22, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2341, 2395, 2482, 2517, 2599, 2915, 3142, 3217, 3279, 3304 and 3340, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS

April 22, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2076, 2096, 2183, 2184, 2185, 2186, 2244, 2453, 2732, 2733, 2867, 2957, 3001, 3009, 3392, 3402, 3403, 3407, 3408, 3409, 3410, 3413, 3415, 3416, 3417, 3418 and 3419.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 22, 1998

The Speaker signed the following: House Bill(s) No(s). 2076, 2096, 2183, 2184, 2185, 2186, 2244, 2453, 2732, 2733, 2867, 2957, 3001, 3009, 3392, 3402, 3403, 3407, 3408, 3409, 3410, 3413, 3415, 3416, 3417, 3418 and 3419.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 739 -- Naming and Designating - Winchester's Annual High-on-the-Hog Barbeque Cookoff as official Tennessee Barbeque Championship competition. by *Fraleay.

State & Local Government Committee

***House Joint Resolution No. 741** -- General Assembly, Directed Studies - Directs departments of health and mental health and mental retardation to study feasibility of operating and administering pilot programs which provide funding supplements for licensed supportive living facilities for mentally ill and for licensed residential homes for aged. by *Pruitt, *Caldwell, *Walley, *Patton, *DeBerry J, *Eckles, *Hargett, *Jones, S., *Turner (Hamilton), *Arriola, *Ferguson, *McDaniel, *DeBerry L, *Odom, *Armstrong, *Walker (Blount), *Bird.

Finance, Ways & Means Committee

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 744 -- Naming and Designating - "Stroke Awareness Month," May 1998. by *Bowers.

Calendar & Rules Committee

***House Joint Resolution No. 747** -- Memorials, Congress - Urges restoration of business meal tax deduction to 100 percent. by *McDaniel.

Finance, Ways & Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 22, 1998:

House Joint Resolution No. 738 -- Memorials, Death - Brett Bolin. by *Fraleigh.

House Joint Resolution No. 740 -- Memorials, Retirement - Wallace Burke. by *Hood, *Eckles.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 23, 1998:

House Resolution No. 196 -- Memorials, Interns - Karana Marie Sturdivant. by *Arriola, *Langster, *Caldwell, *Jones, S., *Pruitt, *McDonald.

House Resolution No. 197 -- Memorials, Interns - Elizabeth Rebecca Hunley. by *Buck, *Jackson, *McMillan, *Sands, *Ritchie, *Brooks, *Armstrong, *Boyer, *Stamps, *Scroggs, *Newton, *Westmoreland.

House Resolution No. 198 -- Memorials, Interns - Melanie Ann Waddle. by *Buck, *Jackson, *McMillan, *Sands, *Ritchie, *Brooks, *Armstrong, *Boyer, *Stamps, *Scroggs, *Newton, *Westmoreland.

House Joint Resolution No. 737 -- Memorials, Academic Achievement - Linda Farmer, 1998 Mid-South Spelling Bee winner. by *Maddox.

House Joint Resolution No. 742 -- Memorials, Personal Achievement - Jonathan Kasper, Eagle Scout. by *Hargett.

House Joint Resolution No. 743 -- Memorials, Professional Achievement - ICI Acrylics of North America. by *Haley.

House Joint Resolution No. 748 -- Memorials, Personal Occasion - Mr. and Mrs. John P. Simpson, 50th Wedding Anniversary. by *Pleasant, *Haley.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 749 -- Memorials, Interns - James Taylor Shotwell, III. by *Scroggs, *Haley, *Pleasant.

House Joint Resolution No. 750 -- Memorials, Professional Achievement - Jacques Scarbrough, 1996-1997 Humanities Outreach "Teacher of the Year.". by *Stamps.

House Joint Resolution No. 751 -- Memorials, Interns - Deborah A. Josephs. by *Kernell.

House Joint Resolution No. 752 -- Memorials, Interns - Greer Grissom. by *Cross, *Odum, *Brown.

House Joint Resolution No. 754 -- Memorials, Interns - Nwabundo Ume-Nwagbo. by *Mumpower, *Hicks, *Godsey, *Gunnels.

House Joint Resolution No. 755 -- Memorials, Professional Achievement - Mary Irby, American Farm Bureau Federation Discussion Meet winner. by *Hood, *Eckles, *Sands.

House Joint Resolution No. 756 -- Memorials, Academic Achievement - Orchard Knob Elementary School. by *Brown.

House Joint Resolution No. 758 -- Memorials, Professional Achievement - Business Journal, 10th Anniversary. by *Mumpower, *Godsey, *Westmoreland, *Givens, *Cole (Carter), *Patton, *Hicks, *Whitson.

House Joint Resolution No. 759 -- Memorials, Death - Carles Jasper Godsey, Jr. by *Mumpower, *Godsey, *Westmoreland, *Cole (Carter).

House Joint Resolution No. 760 -- Memorials, Recognition and Thanks - Exchange students from Germany to Houston High School. by *Scroggs.

House Joint Resolution No. 761 -- Memorials, Personal Occasion - Kent Logan Starwalt, birth. by *Cole (Dyer).

House Joint Resolution No. 762 -- Memorials, Personal Achievement - Courtney Stinson, 1998 Mule Day Queen. by *Sands.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 22, 1998:

Senate Joint Resolution No. 612 -- Memorials, Professional Achievement - General Shale Product Corporation, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 613 -- Memorials, Professional Achievement - American Water Heater Company, Tennessee Quality Award. by *Crowe.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 614 -- Memorials, Professional Achievement - Corporate Systems Administration, Inc., Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 615 -- Memorials, Professional Achievement - Johnson City Medical Center, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 616 -- Memorials, Professional Achievement - Snap-On Tools Company of Elizabethton, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 617 -- Memorials, Professional Achievement - Siemens Energy and Automation, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 618 -- Memorials, Professional Achievement - Natural Foods Market of Johnson City, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 620 -- Memorials, Retirement - Mayor Joe B. Jackson, Murfreesboro. by *Womack, *Kyle, *Womack, *Harper, *Cohen.

Senate Joint Resolution No. 622 -- Memorials, Public Service - Riley King. by *Clabough.

Senate Joint Resolution No. 623 -- Memorials, Professional Achievement - Rotary Club of Alcoa, 50th Anniversary. by *Clabough.

Senate Joint Resolution No. 624 -- Memorials, Personal Occasion - Wes and Helen Haynes, 50th Wedding Anniversary. by *Haynes, *Graves.

Senate Joint Resolution No. 626 -- Memorials, Recognition and Thanks - African American Pastors Consortium on HIV/AIDS. by *Dixon.

Senate Joint Resolution No. 628 -- Memorials, Sports - 1997-1998 Cordova High School cheerleading squad. by *Person, *Leatherwood, *Cohen.

Senate Joint Resolution No. 629 -- Memorials, Sports - University of Tennessee Lady Volunteers, 1998 NCAA women's basketball champions. by *Haynes, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 630 -- Memorials, Retirement - Ben T. Powell, State 4-H leader. by *Haynes, *Rochelle.

Senate Joint Resolution No. 631 -- Memorials, Personal Occasion - Matthew Wade Love, birth. by *Person, *Leatherwood, *Rochelle.

Senate Joint Resolution No. 633 -- Memorials, Public Service - Kirk Whalum. by *Cohen, *Kyle, *Cohen.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 634 -- Memorials, Professional Achievement - Eugene L. "Gene" Joyce, East Tennessee Junior Achievement Business Hall of Fame inductee. by *McNally, *Cohen.

Senate Joint Resolution No. 635 -- Memorials, Academic Achievement - Anita Ramesh Patel, 1998 Valedictorian, Waverly Central High School. by *Springer.

Senate Joint Resolution No. 636 -- Memorials, Academic Achievement - Lucas John Griff, III, Co-valedictorian, Waverly Central High School. by *Springer.

Senate Joint Resolution No. 637 -- Memorials, Academic Achievement - Kayla D. Goodwin, 1998 Salutatorian, Lawrence County High School. by *Springer.

Senate Joint Resolution No. 638 -- Memorials, Academic Achievement - Penny Martin, 1998 Valedictorian, Lawrence County High School. by *Springer.

Senate Joint Resolution No. 639 -- Memorials - Hank Williams, Sr. by *Springer, *Herron.

Senate Joint Resolution No. 640 -- Memorials, Death - Dr. Jack Lynch. by *Cooper, *Henry.

Senate Joint Resolution No. 641 -- Memorials, Death - Barbara Anne Darden. by *Kurita.

Senate Joint Resolution No. 642 -- Memorials, Interns - Jeffrey Wayne Dewees, 1998 Salutatorian, Hickman County High School. by *Springer.

Senate Joint Resolution No. 643 -- Memorials, Academic Achievement - Miriam ImOberstag, 1998 Valedictorian, Hickman County High School. by *Springer.

Senate Joint Resolution No. 644 -- Memorials, Retirement - Chancellor Frederick D. McDonald. by *Gilbert, *Atchley, *McNally.

Senate Joint Resolution No. 645 -- Memorials, Retirement - Chancellor David Cate. by *Gilbert, *Atchley, *McNally.

Senate Joint Resolution No. 646 -- Memorials, Personal Achievement - John R. Hicks, Eagle Scout. by *Haynes, *Rochelle.

Senate Joint Resolution No. 648 -- Memorials, Sports - 1997-1998 Moore County High School girls' basketball team, TSSAA Class A runner-up. by *Cooper.

Senate Joint Resolution No. 650 -- Memorials, Professional Achievement - The Peerless Restaurant, "Restaurant of the Year". by *Crowe.

Senate Joint Resolution No. 651 -- Memorials, Public Service - Vice Admiral Richard W. Mies. by *Crowe.

Senate Joint Resolution No. 652 -- Memorials, Recognition and Thanks - Espiridon A. Borrego. by *Crowe.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 653 -- Memorials, Professional Achievement - Donald Jeanes, 14th President, Milligan College. by *Crowe.

Senate Joint Resolution No. 654 -- Memorials, Professional Achievement - THA, 60th anniversary. by *Crutchfield, *Fowler, *Crowe, *McNally.

Senate Joint Resolution No. 661 -- Memorials, Sports - 1997-1998 Ezell-Harding Christian School boys' basketball team, TSSAA Class A state championship. by *Rochelle.

Senate Joint Resolution No. 691 -- Memorials, Interns - Deborah Ketchersid. by *Womack.

Senate Joint Resolution No. 692 -- Memorials, Interns - Robert L. Vick, Jr. by *Womack.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 595** -- Highway Signs - "Rudolph Caruthers Bridge," S.R. 249, Cheatham County. by *Kurita.

Transportation Committee

***Senate Joint Resolution No. 619** -- Highway Signs - "William Dugan Memorial Highway," S.R. 56, Beersheba Springs, Grundy County. by *Cooper.

Transportation Committee

***Senate Joint Resolution No. 621** -- Highway Signs - "The Tennessee Technology Corridor" and "Oak Ridge National Laboratory," I-81, I-40 and I-75. by *McNally, *Gilbert, *Atchley.

Transportation Committee

***Senate Joint Resolution No. 625** -- Highway Signs - "Dr. L.M. Freeman Memorial Bridge," Cordell Hull Lake, S.R. 53, Jackson County. by *Burks.

Transportation Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3427 -- Grundy County - Subject to local approval, repeals transfer tax on all transfers of real property - Repeals Chapter 15, Private Acts of 1969, as amended. by *Lewis, *Rhinehart.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Bill No. 3428 -- Scott County - Subject to local approval, increases salary of county attorney; combines position of delinquent tax attorney with county attorney if attorney chosen by trustee with approval of county executive to collect delinquent taxes, in accordance with general law, is county attorney. Amends Chapter 289 of the Private Acts of 1976. by *Winningham.

House Bill No. 3429 -- Greene County - Subject to local approval, authorizes advisory referendum relative to new highway from Pigeon Forge to Tri Cities Airport. by *Whitson.

House Bill No. 3430 -- Parsons - Subject to local approval, revises the charter of Parsons. by *Tidwell.

House Bill No. 3431 -- Madison County - Subject to local approval, effective July 1, 1998 makes the juvenile court clerk of Madison County the clerk of general sessions court for probate and juvenile matters and transfers authority over probate matters from the county clerk. Amends Chapter 212 of the Private Acts of 1990 and Chapter 50 of the Private Acts of 1941, as amended by Chapter 243 of the Private Acts of 1982, Chapter 156 of the Private Acts of 1986 and Chapter 101 of the Private Acts of 1989. by *Kisber, *McDaniel.

House Bill No. 3433 -- Gibson County - Subject to local approval, repeals law library commission and \$1.00 litigation tax; transfers books and funds. - Repeals Chapter 211 of the Private Acts of 1965; as amended. by *Phelan.

House Bill No. 3434 -- Dickson - Subject to local approval, revises eminent domain power of the Greater Dickson Gas Authority; amends Chapter 50 of the Private Acts of 1989. by *Jackson.

House Bill No. 3435 -- Dickson - Subject to local approval, creates "Water and Wastewater Authority of Greater Dickson." - Repeals Chapter 84 of the Private Acts of 1997. by *Jackson.

DELAYED BILLS REFERRED

April 21, 1998

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3432, was/were referred to the Delayed Bills Committee.

***House Bill No. 3432** -- Utilities, Utility Districts - Deletes requirement, for gas utility districts lying primarily in Gibson County, that person be customer of gas utility district to qualify as candidate for election to board of commissioners for such gas utility district. Amends TCA Section 7-82-307. by *Phelan.

DELAYED BILLS REFERRED

April 22, 1998

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3442 and 3447, was/were referred to the Delayed Bills Committee.

***House Bill No. 3442** -- Taxes, Sales - Revises when certain sales tax revenues to be distributed to municipality with sports authority and a major league professional athletic team. Amends TCA Section 67-6-103(d). by *Kent.

***House Bill No. 3447** -- Constitutional Conventions - Calls convention for metropolitan government ratification process and annexation approval by referendum. by *Stulce, *Haley, *Wood, *Pinion, *Williams (Williamson), *Cross, *Walker (Rhea), *Dunn, *McAfee, *Ferguson, *Newton, *Boyer, *Sharp, *Turner (Hamilton).

REPORT OF DELAYED BILLS COMMITTEE

April 22, 1998

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3442.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1613** -- Obscenity and Pornography - Revises Adult-Oriented Establishment Registration Act for the purpose of regulating sexually-oriented businesses. Amends TCA Title 7, Chapter 51, Part 11. by *Jordan, *Leatherwood, *Atchley, *Crowe, *Williams, *Carter, *Henry.

Senate Bill No. 1911 -- Criminal Procedure - Permits court to exclude all non-essential people from courtroom or use one-way glass between victim and defendant when alleged sex offense victim is testifying in defendant's criminal trial. Amends TCA Title 40, Chapter 17. by *Burks.

***Senate Bill No. 2042** -- County Officers - Permits increase of county officials' salaries upon resolution of county legislative body of Williamson County. Amends TCA Title 8, Chapter 24. by *Jordan.

Senate Bill No. 2046 -- Knox County - Subject to local approval, creates Division VI of general sessions court; creates position of general sessions judge to serve such division. Amends Chapter 54, Private Acts of 1939, as amended. by *Gilbert, *Atchley, *McNally.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

***Senate Bill No. 2131** -- Sunset Laws - Department of environment and conservation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Springer.

***Senate Bill No. 2253** -- Pensions and Retirement Benefits - Provides that retirement benefit for state employees and teachers retiring with at least 30 years of creditable service shall be at least federal individual poverty income amount. Amends TCA Section 8-36-209. by *Womack, *Atchley.

Senate Bill No. 2649 -- Health, Dept. of - Authorizes department to issue certification that child has been stillborn; authorizes issuance of death certificate for such child. Amends TCA Title 68, Chapter 3, Parts 3 and 5. by *Harper.

Senate Bill No. 2688 -- Education - Requires commissioner's annual report of student dropout rates, organized by schools and local school systems, to include cohort rates and event rates. Amends TCA Section 49-1-211 and Section 49-1-216. by *Ford J, *Dixon, *Harper.

Senate Bill No. 2727 -- Physicians and Surgeons - Revises procedure for international medical school graduate to obtain license by identifying one year training program and two year clinical fellowship, both approved by AMA, as meeting requirements of three year residency program. Amends TCA Section 63-6-207. by *Cooper.

***Senate Bill No. 2787** -- Education - Requires children entering kindergarten to be five years of age by 7/31, rather than present date of 9/30. Amends TCA Section 49-6-201(b). by *Burks.

Senate Bill No. 2790 -- Board of Regents - Places Tri-County Vocational School under board of regents. Amends TCA Title 49, Chapter 8, Part 1. by *Burks.

***Senate Bill No. 2834** -- Child Abuse - Revises law on custody determinations in cases involving child abuse. Amends TCA Title 36, Chapter 6, Part 1. by *Ford J.

***Senate Bill No. 3025** -- Parks, Natural Areas Preservation - Authorizes archaeological work to be performed at T.O. Fuller State Park. Amends TCA Title 11. by *Dixon.

***Senate Bill No. 3045** -- Municipal Government - Allows municipalities to create geographic information systems and to sell information from them to the public. Amends TCA Title 7. by *Dixon.

***Senate Bill No. 3089** -- Adoption - Adds emphasis on safety of child by revising foster care, permanency planning, adoption and termination of parental rights laws. Amends TCA Title 36, Chapter 1, Title 37, Chapter 1, Title 37, Chapter 2, Title 37, Chapter 3, Title 37, Chapter 5, and Title 71, Chapter 5. by *Person, *Atchley.

Senate Bill No. 3095 -- Custody and Support - Rewrites biological father waiver of interest provisions and certain child support and Title IV-D child support enforcement provisions. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 24; Title 25; Title 26; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 50; Title 55; Title 56; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Person, *Atchley.

Senate Bill No. 3244 -- Bond Issues - Validates disposition of proceeds of school capital outlay notes issued before 1/15/98; requires sharing of new school capital outlay notes. Amends TCA Title 9, Chapters 3 and 21. by *Henry.

Senate Bill No. 3279 -- Managed Care Organizations - Requires non-TennCare health maintenance organizations to provide certain continuity of care and independent review entity for certain decisions by HMO. Amends TCA Title 56. by *Rochelle, *Elsea.

Senate Bill No. 3310 -- Real Estate Agents and Brokers - Exempts services of vacation lodging management businesses from real estate licensure provisions. Amends TCA Section 62-13-104. by *Clabough, *Cooper.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3425 -- Bluff City -- Local Bill Held on House Desk

House Bill No. 3426 -- Somerville -- Local Bill Held on House Desk

BILLS REFERRED

The following Bill(s), House Bill 3442 was referred to the following Committee(s):

***House Bill No. 3442** -- Taxes, Sales -- House Finance Ways & Means Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 20, 1998**, reported the following:

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Joint Resolution(s) No(s). 624 and Senate Joint Resolution(s) No(s). 405, also House Bill(s) No(s). 3087, 1488, 3307 and House Joint Resolution(s) No(s). 674 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3228 and 2493; also House Bill(s) No(s). 3295, 3325 and 3298 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 21, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 22, 1998**: House Bill(s) No(s). 2406, 1539, 2475, 2669, 207, 3237, 3087, 3307 and 1488.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 22, 1998**: House Bill(s) No(s).3059, House Joint Resolution(s) No(s). 624 and Senate Joint Resolution(s) No(s). 405.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 2299 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage House Bill(s) No(s). 3000 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3244 and 2949 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2607, 1832, 2777, 3305, 2119, 2343, 3177 and 3046, also House Bill(s) No(s). 1694, 2854 and 2827 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Joint Resolution(s) No(s). 400 and 651, also House Bill(s) No(s). 645, 2347, 3082, 2485, 3181 and House Joint Resolution(s) No(s). 319 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2585, 3010 and 2653; also House Bill(s) No(s). 2852 and 2918 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1588, 323, 1873, 3253 and 3395, also House Bill(s) No(s). 1313, 2933 and 1016 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2935, 3190 and 2443 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reported that House Bill No. 2137 was considered but failed to pass.

TRANSPORTATION

The Transportation Committee recommended for passage: House Joint Resolution(s) No(s). 692, 694, 734, 699, Senate Joint Resolution(s) No(s). 521, 565 571. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 22, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 22, 1998**: House Bill(s) No(s). 1313.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **April 23, 1998**: House Bill(s) No(s). 2499, 2784, 3082, 2299, 2607, 1832, 2777, 3305, 2119, 2343, 3177, 1694, 2854, 2827 and House Joint Resolution(s) No(s). 319.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 23, 1998**: House Bill(s) No(s). 2755, 3046, House Joint Resolution(s) No(s). 651, 692, 694 and Senate Joint Resolution(s) No(s). 565.

CONSENT CALENDAR

House Bill No. 2177 -- Sunset Laws - Solid waste disposal control board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by *Kernell, *Garrett, *Brooks. (*SB2134 by *Springer, *Dixon)

On motion, House Bill No. 2177 was made to conform with **Senate Bill No. 2134**; the Senate Bill was substituted for the House Bill.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Bill No. 3276 -- Public Buildings - Authorizes municipality to agree to indemnify public building authority, its directors, officers and employees, for negligence. Amends TCA Section 12-10-114. by *Burchett. (*SB3247 by *Atchley)

On motion, House Bill No. 3276 was made to conform with **Senate Bill No. 3247**; the Senate Bill was substituted for the House Bill.

***Senate Joint Resolution No. 379** -- General Assembly, Directed Studies - Directs department of environment and conservation to conduct feasibility study to create new park management unit from certain state properties along Harpeth River. by *Kurita, *Kurita.

House Bill No. 3289 -- Courts, Circuit - Authorizes circuit court judges in Davidson County to appoint master Amends TCA Title 17, Chapter 2. by *Jones, S., *Langster. (*SB3249 by *Haynes)

On motion, House Bill No. 3289 was made to conform with **Senate Bill No. 3249**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 616** -- General Assembly, Statement of Intent or Position - Expresses support for locating Spallation Neutron Source at Oak Ridge National Laboratory. by *Kerr, *Caldwell, *Ferguson, *Cross.

House Bill No. 2783 -- Hospitals and Health Care Facilities - Revises provisions concerning residential hospitals to include HIV care; creates category of residential HIV supportive living facility. Amends TCA Title 68, Chapter 11, Part 2. by *Chumney. (*SB3057 by *Cohen)

House Bill No. 2178 -- Sunset Laws - Water quality control board, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB2133 by *Springer)

House Bill No. 2179 -- Sunset Laws - Air pollution control board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201. by *Kernell, *Garrett, *Brooks. (*SB2132 by *Springer, *Dixon)

On motion, House Bill No. 2179 was made to conform with **Senate Bill No. 2132**; the Senate Bill was substituted for the House Bill.

House Bill No. 2180 -- Sunset Laws - Ground water management review board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 11. by *Kernell, *Garrett, *Brooks. (*SB2135 by *Springer, *Dixon)

On motion, House Bill No. 2180 was made to conform with **Senate Bill No. 2135**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2055** -- Sunset Laws - Historical commission, June 30, 2006. Amends TCA Title 4, Chapter 11 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (SB2089 by *Springer)

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

On motion, House Bill No. 2055 was made to conform with **Senate Bill No. 2089**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 631** -- General Assembly, Statement of Intent or Position - Expresses support for cotton boll weevil eradication program and commissioner of agriculture's efforts to secure additional funding and maintain current level of federal funding for such program. by *Bowers, *Ferguson, *Goins, *Bone, *Windle, *Roach, *Dunn.

House Bill No. 3097 -- Kenton - Revises charter of Kenton special school district. Amends Chapter 84 of the Public Acts of 1947, as amended. by *Phelan. (SB3190 by *Carter)

***Senate Joint Resolution No. 389** -- General Assembly, Directed Studies - Continues study by TACIR of tax issues mandated by SJR 139 and Public Chapter 301. by *Crutchfield.

House Bill No. 2890 -- Municipal Government - Enacts impact fee for Mt. Juliet to be assessed for new residential development if approved by 2/3 vote of municipality. Amends TCA Title 6, Chapter 54. by *Bone, *Beavers. (*SB3007 by *Rochelle)

On motion, House Bill No. 2890 was made to conform with **Senate Bill No. 3007**; the Senate Bill was substituted for the House Bill.

House Bill No. 1580 -- County Officers - Authorizes Knox County court clerks to charge, in addition to any other fees, fee not to exceed \$5.00 for computer searches of public records having commercial value. Amends TCA Title 8, Chapter 21, Part 4. by *Burchett, *Burchett. (*SB586 by *Gilbert, *Atchley)

On motion, House Bill No. 1580 was made to conform with **Senate Bill No. 586**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2780** -- Highway Signs - "Thomas M. Burnett Memorial Bridge," S.R. 68 in Rhea County. by *Walker (Rhea). (SB3254 by *Elsea)

On motion, House Bill No. 2780 was made to conform with **Senate Bill No. 3254**; the Senate Bill was substituted for the House Bill.

***House Resolution No. 186** -- Memorials, Congress - Urges Tennessee congressional delegation to support Tennessee Valley Authority's appropriated budget for fiscal year 1999 and beyond. by *Turner (Hamilton), *Naifeh, *Ritchie, *Tindell, *Armstrong.

***House Joint Resolution No. 505** -- General Assembly, Directed Studies - Directs THDA to study incentives for construction of affordable housing, including review of other states' programs. by *Chumney.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Bill No. 1878 -- Criminal Offenses - Creates Class A misdemeanor offense for employee to falsify or attempt to falsify drug test; creates Class E felony offense for person employed by covered employer or drug testing lab to falsify or attempt to falsify drug test; subjects company to fine. Amends TCA Title 50, Chapter 9, Part 1. by *Bird. (*SB1874 by *Miller J)

***House Bill No. 3059** -- Election Laws - Establishes minimum daily compensation for members of county election commissions in counties other than Hamilton, Knox and Shelby counties at \$65.00 instead of \$30.00. Amends TCA Section 2-12-108. by *Windle.

***Senate Joint Resolution No. 405** -- Memorials, Government Officials - Urges state agencies to cease or limit use of fescue grasses on state property. by *Cooper.

House Joint Resolution No. 624 -- Naming and Designating - "Dedrick 'Teddy' Withers Day" in Shelby County, April 26, 1998. by *Cooper B, *Miller L, *Bowers, *Brooks, *Jones U (Shelby), *Turner (Shelby), *Kernell, *Towns, *DeBerry L, *Langster.

House Bill No. 3381 -- Dickson - Subject to local approval, Enacts "Water and Wastewater Authority of Greater Dickson." - Repeals Chapter 84 of the Private Acts of 1997. by *Jackson. (SB3422 by *Springer)

***House Bill No. 3386** -- Utilities, Utility Districts - Requires bylaws of citizens gas utility district of Scott and Morgan counties be amended, altered or repealed by 4/5 affirmative vote of membership of board of trustees voting at two consecutive monthly meetings. Amends Chapter 225 of the Public Acts of 1959, as amended. by *Windle. (SB3397 by *Davis L)

House Bill No. 3421 -- Athens - Subject to local approval, revises charter relative to elections of city councilmen and board of education; revises certain salaries; and revises requirements for recall petitions. Amends Chapter 455 of the Private Acts of 1953. by *McKee. (SB3415 by *Elease)

House Bill No. 3422 -- Hardin County - Subject to local approval, increases salary of school board members from \$25.00 to \$75.00 per month for regular meeting ; permits \$37.50 for special meetings Amends Chapter 709 of the Private Acts of 1923; as amended. by *Rinks. (SB3420 by *Wilder)

House Bill No. 3423 -- Hardin County - Subject to local approval, establishes position of accounting and budget director; sets appointing and dismissing process and salary process. by *Rinks. (SB3419 by *Wilder)

House Resolution No. 195 -- Memorials, Retirement - Dean Norman. by *Ferguson, *Windle, *Cross.

House Joint Resolution No. 726 -- Memorials, Interns - Jason Tigert. by *Pleasant, *Hargett.

House Joint Resolution No. 727 -- Memorials, Recognition and Thanks - O. W. Smith III. by *Hargett, *Pleasant.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 728 -- Memorials, Retirement - Mayor Bobby Flaherty. by *Hargett, *Pleasant.

House Joint Resolution No. 729 -- Memorials, Public Service - Kelee Herring-Snider. by *Hargett, *Pleasant.

House Joint Resolution No. 732 -- Memorials, Sports - 1997-1998 Celina High School girls' basketball team, TSSAA Class A State Tournament semifinalist. by *Winningham.

House Joint Resolution No. 735 -- Memorials, Public Service - Congressman Harold Ford, Sr. by *DeBerry J, *Bowers.

House Joint Resolution No. 736 -- Memorials, Recognition and Thanks - Reverend Larry Williams, 15th anniversary as pastor of Ooltewah Baptist Church. by *Wood.

House Joint Resolution No. 738 -- Memorials, Death - Brett Bolin. by *Fraleay.

House Joint Resolution No. 740 -- Memorials, Retirement - Wallace Burke. by *Hood, *Eckles.

Senate Joint Resolution No. 612 -- Memorials, Professional Achievement - General Shale Product Corporation, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 613 -- Memorials, Professional Achievement - American Water Heater Company, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 614 -- Memorials, Professional Achievement - Corporate Systems Administration, Inc., Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 615 -- Memorials, Professional Achievement - Johnson City Medical Center, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 616 -- Memorials, Professional Achievement - Snap-On Tools Company of Elizabethton, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 617 -- Memorials, Professional Achievement - Siemens Energy and Automation, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 618 -- Memorials, Professional Achievement - Natural Foods Market of Johnson City, Tennessee Quality Award. by *Crowe.

Senate Joint Resolution No. 620 -- Memorials, Retirement - Mayor Joe B. Jackson, Murfreesboro. by *Womack, *Kyle, *Womack, *Harper, *Cohen.

Senate Joint Resolution No. 622 -- Memorials, Public Service - Riley King. by *Clabough.

Senate Joint Resolution No. 623 -- Memorials, Professional Achievement - Rotary Club of Alcoa, 50th Anniversary. by *Clabough.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 624 -- Memorials, Personal Occasion - Wes and Helen Haynes, 50th Wedding Anniversary. by *Haynes, *Graves.

Senate Joint Resolution No. 626 -- Memorials, Recognition and Thanks - African American Pastors Consortium on HIV/AIDS. by *Dixon.

Senate Joint Resolution No. 628 -- Memorials, Sports - 1997-1998 Cordova High School cheerleading squad. by *Person, *Leatherwood, *Cohen.

Senate Joint Resolution No. 629 -- Memorials, Sports - University of Tennessee Lady Volunteers, 1998 NCAA women's basketball champions. by *Haynes, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 630 -- Memorials, Retirement - Ben T. Powell, State 4-H leader. by *Haynes, *Rochelle.

Senate Joint Resolution No. 631 -- Memorials, Personal Occasion - Matthew Wade Love, birth. by *Person, *Leatherwood, *Rochelle.

Senate Joint Resolution No. 633 -- Memorials, Public Service - Kirk Whalum. by *Cohen, *Kyle, *Cohen.

Senate Joint Resolution No. 634 -- Memorials, Professional Achievement - Eugene L. "Gene" Joyce, East Tennessee Junior Achievement Business Hall of Fame inductee. by *McNally, *Cohen.

Senate Joint Resolution No. 635 -- Memorials, Academic Achievement - Anita Ramesh Patel, 1998 Valedictorian, Waverly Central High School. by *Springer.

Senate Joint Resolution No. 636 -- Memorials, Academic Achievement - Lucas John Griff, III, Co-valedictorian, Waverly Central High School. by *Springer.

Senate Joint Resolution No. 637 -- Memorials, Academic Achievement - Kayla D. Goodwin, 1998 Salutatorian, Lawrence County High School. by *Springer.

Senate Joint Resolution No. 638 -- Memorials, Academic Achievement - Penny Martin, 1998 Valedictorian, Lawrence County High School. by *Springer.

Senate Joint Resolution No. 639 -- Memorials - Hank Williams, Sr. by *Springer, *Herron.

Senate Joint Resolution No. 640 -- Memorials, Death - Dr. Jack Lynch. by *Cooper, *Henry.

Senate Joint Resolution No. 641 -- Memorials, Death - Barbara Anne Darden. by *Kurita.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 642 -- Memorials, Interns - Jeffrey Wayne Dewees, 1998 Salutatorian, Hickman County High School. by *Springer.

Senate Joint Resolution No. 643 -- Memorials, Academic Achievement - Miriam ImOberstag, 1998 Valedictorian, Hickman County High School. by *Springer.

Senate Joint Resolution No. 644 -- Memorials, Retirement - Chancellor Frederick D. McDonald. by *Gilbert, *Atchley, *McNally.

Senate Joint Resolution No. 645 -- Memorials, Retirement - Chancellor David Cate. by *Gilbert, *Atchley, *McNally.

Senate Joint Resolution No. 646 -- Memorials, Personal Achievement - John R. Hicks, Eagle Scout. by *Haynes, *Rochelle.

Senate Joint Resolution No. 648 -- Memorials, Sports - 1997-1998 Moore County High School girls' basketball team, TSSAA Class A runner-up. by *Cooper.

Senate Joint Resolution No. 650 -- Memorials, Professional Achievement - The Peerless Restaurant, "Restaurant of the Year". by *Crowe.

Senate Joint Resolution No. 651 -- Memorials, Public Service - Vice Admiral Richard W. Mies. by *Crowe.

Senate Joint Resolution No. 652 -- Memorials, Recognition and Thanks - Espiridon A. Borrego. by *Crowe.

Senate Joint Resolution No. 653 -- Memorials, Professional Achievement - Donald Jeanes, 14th President, Milligan College. by *Crowe.

Senate Joint Resolution No. 654 -- Memorials, Professional Achievement - THA, 60th anniversary. by *Crutchfield, *Fowler, *Crowe, *McNally.

Senate Joint Resolution No. 661 -- Memorials, Sports - 1997-1998 Ezell-Harding Christian School boys' basketball team, TSSAA Class A state championship. by *Rochelle.

Senate Joint Resolution No. 691 -- Memorials, Interns - Deborah Ketchersid. by *Womack.

Senate Joint Resolution No. 692 -- Memorials, Interns - Robert L. Vick, Jr. by *Womack.

Rep. Ridgeway moved that all members voting aye on Senate Joint Resolution No. 639 be added as sponsors, which motion prevailed.

Rep. Miller moved that all members voting aye on House Joint Resolution No. 624 be added as sponsors, which motion prevailed.

Rep. Head moved that all members voting aye on Senate Joint Resolution No. 629 be added as sponsors, which motion prevailed.

Rep. Kerr moved that all members voting aye on House Joint Resolution No. 616 be added as sponsors, which motion prevailed.

Rep. Turner(Hamilton) moved that all members voting aye on House Resolution No. 186 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2178: by Rep(s). Odom and Cross

House Bill No. 1878: by Rep. Kernell

House Bill No. 3381: by Rep. Jackson

House Bill No. 3386: by Rep. Winningham

Under the rules, House Bill No: 2178, 1878, 3381 and 3386 was/were placed at the foot of the calendar for April 23, 1998.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3258 -- Equalization Board - Revises membership of state board of equalization to include member who represents taxpayers in contested cases. Amends TCA Title 4. by *Jones U (Shelby). (*SB3233 by *Person)

Further consideration of House Bill No. 3258 previously considered on April 6, 1998, and reset to today's Calendar.

Rep. U. Jones moved that House Bill No(s). 3258 be reset to the last Regular Calendar, which motion prevailed.

***Senate Bill No. 2106** -- Sunset Laws - Renal disease advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 35. by *Springer. (HB2182 by *Kernell, *Garrett, *Brooks)

Further consideration of Senate Bill No. 2106 previously considered on April 15, 1998, at which time the Senate Bill was substituted for the House Bill and reset to today's Calendar.

Rep. Kernell moved that Senate Bill No. 2106 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2106** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Bill No. 3203 -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by *Dunn, *Burchett, *Bone, *West, *Haley, *Pleasant. (*SB1610 by *Jordan)

Further consideration of House Bill No. 3203 previously considered on March 23, 1998, March 26, 1998, March 30, 1998, at which time the House adopted Amendment No. 2. The bill was also considered on April 1, 1998, April 9, 1998, April 15, 1998 and April 22, 1998, and reset to today's Calendar.

Rep. Dunn moved that House Bill No. 3203, as amended, be passed on third and final consideration.

Rep. McMillan requested that House Bill No. 3203 be moved to the heel of the Calendar.

House Bill No. 2966 -- Real Property - Reduces, from one year to 90 days, period of redemption for property sold at tax sales in any county having charter form of government. Amends TCA Title 67, Chapter 5, Part 27. by *Burchett, *Armstrong, *Tindell, *Boyer, *Dunn, *Bittle. (*SB2964 by *Gilbert, *Atchley)

Further consideration of House Bill No. 2966 previously considered on April 16, 1998, and reset to today's Calendar.

Rep. Burchett moved that House Bill No(s). 2966 be reset for the last Regular Calendar, which motion prevailed.

House Bill No. 2682 -- Appeal and Review - Removes option for filing judicial appeal of state board of equalization decisions in Davidson County; requires appeal in county where assessment was made. Amends TCA Section 67-5-1511(b). by *Phelan, *Cole (Carter). (*SB2552 by *Crowe)

Further consideration of House Bill No. 2682 previously considered on April 16, 1998, and reset to today's Calendar.

On motion, House Bill No. 2682 was made to conform with **Senate Bill No. 2552**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that Senate Bill No. 2552 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2552 by adding the following new sentence at the end of the amendatory language of Section 1, as amended:

If the situs of the property is in Knox, Hamilton or Shelby County, then the petition for review may alternatively be filed in Davidson County at the election of the petitioner.

On motion, Amendment No. 2 was adopted.

Rep. Phelan moved that **Senate Bill No. 2552**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 3302** -- Banks and Financial Institutions - Rewrites law on access to safe deposit boxes after death of sole or joint renter. Amends TCA Title 45, Chapter 2, Part 9 and Sections 67-8-417 and 67-8-418. by *Hargrove, *Bowers. (SB3315 by *Clabough)

Rep. Hargrove moved that House Bill No. 3302 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3302 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-2-905, is amended by deleting the section in its entirety and by substituting instead the following:

(a) No lessor shall rent any safe deposit box without first requiring all persons entitled to access thereto to agree in writing to notify the lessor of the death of a sole or last surviving lessee of such safe deposit box, and all persons having the right of access to such safe deposit box, upon the death of any such other person having the right of access thereto, before seeking access, shall notify the lessor of the death of such lessee, and the lessor may rely conclusively upon the absence of any such notification in allowing a person with a right of access to enter the box.

(b) Access to a safe deposit box shall be in accordance with the agreement between a lessor and lessee (lessees). The death of a person authorized access to a safe deposit box by such agreement shall not terminate the access of others so authorized in all cases where there is a surviving lessee, whether such surviving lessee is an individual, trust, corporation or other entity, unless further access is restricted by such agreement or by court order.

(c) Upon the death of the sole or last surviving lessee of a safe deposit box, access is authorized as follows:

(1) The duly qualified executor or administrator of said lessee may have access to and remove contents from such safe deposit box, without inventory unless an inventory is required by the lessor or by court order.

(2) In order to search for and remove any written instrument purporting to be said lessee's last will and testament, or any writing relating to a burial plot or burial instructions, or any writing purporting to be an insurance policy on the life of said lessee, a lessor shall permit a person named in a court order for such purpose, or if no order has been served upon the lessor, the said lessee's spouse, parent, adult sibling or adult descendant, or a person named as executor in a copy of said lessee's purported will provided to the lessor, or any person with a right of access to the safe deposit box immediately prior to the death of said lessee, to open the safe deposit box with an officer or employee of the lessor and remove any such documents. A record of items removed from the box by the person authorized entry shall be made by the lessor and said person. If a purported will is found that does not name as executor the person conducting the will search with the lessor's representative, the lessor may make a copy thereof and mail or deliver it to the executor named

therein, or to the court having jurisdiction of the decedent's estate according to the decedent's domicile as declared in such instrument.

(3) If an executor or administrator of said lessee's estate has not requested access to the contents within sixty (60) days following the lessee's death, the lessor may then permit access by the surviving spouse or any next-of-kin of the lessee for the purposes of inventory and the removal of contents. Prior to removal, an officer or employee of the lessor and the surviving spouse or next-of-kin of the lessee shall inventory the contents of the box and prepare a record thereof to be retained by the lessor.

(d) Upon the death of the sole or last surviving lessee, the lessor shall notify the department of revenue of the death of such lessee and the existence of a safe deposit box within thirty (30) days of the time the lessor has actual knowledge of the lessee's death. The lessor shall retain records made pursuant to subsection (c) of this section for a period of three (3) years after entry. The provisions of Chapter 10 of this title notwithstanding, the lessor shall provide copies of any such record to the Tennessee Department of Revenue upon its request, to the executor or administrator of the decedent upon request, and to any party designated by court order, and the lessor may elect to provide copies to any person authorized access to the box at the time of the decedent's death or to any person having a degree of kinship to the decedent equal to that of the next-of-kin who received contents following the death of the decedent.

(e) A lessor shall not be liable to any person for the removal or loss of any contents from a safe deposit box during a period of access by an executor or administrator of a deceased lessee, or by any other person or persons authorized access to open and examine contents, whether the property removed or lost is that of the decedent's estate, a surviving lessee, or any other person, and the lessor is entitled to its expenses in defending against any such claim of liability.

(f) To the extent that there is a conflict between the provisions of this section and Sections 67-8-417 or 67-8-418, the provisions of this section shall control.

AND FURTHER AMEND by deleting item (5) of the amendatory language of Section 2 and substituting the following:

(5) The provisions of this subsection shall not apply to the delivery or transfer of property held in a safe deposit box by a bank, savings and loan association or savings bank, such delivery or transfer being subject to the provisions of Section 45-2-905; nor shall this subsection apply to the delivery or transfer of property held in an account

of the bank, savings and loan association or savings bank, if the bank, savings and loan association or savings bank reports to the department of revenue such delivery or transfer involving the accounts of a decedent having an aggregate value of fifty-thousand dollars (\$50,000) or greater, excluding accounts owned jointly with a surviving spouse.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 3302**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1612 -- Criminal Procedure - Permits district attorney to petition court for mental evaluation of defendant upon defendant's intent to offer opinion testimony on own mental condition or in support of insanity defense at criminal proceeding. Amends TCA Section 33-7-301. by *Hargrove. (*SB1563 by *Crutchfield)

Rep. Hargrove moved that House Bill No. 1612 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1612 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-7-301, is amended by redesignating subsection (a) as subsection (a)(1) and by inserting the following language immediately after subsection (a)(1):

(a)(2) At any stage of a felony criminal proceeding, including a pre-trial hearing, trial, sentencing, or post-conviction proceeding, if the defendant gives notice that he intends to offer testimony about his mental condition, whether in support of a defense of insanity or for any other purpose, the state may move or petition the court to authorize the district attorney general to designate a qualified expert to examine the defendant. The court may authorize the district attorney general to designate a qualified expert, who is willing to be appointed, to examine the defendant, if:

(A) In the case of a pre-trial proceeding the court receives notice from an inpatient evaluator under subsection (a)(1) that:

(1) the type or extent of assessment required exceeds the expertise or resources available to the evaluator, or

(2) the type or extent of assessment required exceeds the scope of analysis of the defendant's competency to stand trial, satisfaction of criteria for the insanity defense, or committability under standards of Section 33-6-104; OR

(B) In any other type of felony criminal proceeding, the court determines that examination of the defendant by a qualified expert for the state is necessary to adjudicate fairly the matter before it.

SECTION 2. Payment of expert fees is governed by Supreme Court Rule 13.

SECTION 3. This act shall take effect on July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1612 by deleting the amendatory language of SECTION 2 of House Judiciary Committee Amendment # 1 and substituting instead the following:

The amount and payment of expert fees shall be determined and paid by the Tennessee district attorneys general conference.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **House Bill No. 1612**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2689 -- Hospitals and Health Care Facilities - Makes certain changes to nursing home certificate of need provisions. Amends TCA Title 68, Chapter 11. by *Rhinehart. (*SB2463 by *Cooper)

Rep. Rhinehart moved that House Bill No. 2689 be passed on third and final consideration.

Rep. Whitson moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2689 By deleting from the amendatory language of Section 1 the following sentence:

"When applying the foregoing bed need formula the commission shall use the formula in effect at the time of initial consideration of application rather than a formula in effect at the time of application."

And by substituting instead the following new sentence:

When applying a bed need formula, the commission shall use the formula in effect at the time that the application was filed with the commission for review; provided, however, no beds authorized by this act shall be certified for Medicaid funding earlier than July 1, 2000.

Rep. Rhinehart requested that House Bill No. 2689 be moved down 2 places on the Calendar.

House Bill No. 3132 -- TennCare - Expands TennCare eligibility for children. Amends TCA Section 71-5-106. by *Rhinehart, *Jones, S., *Eckles, *Pruitt. (*SB2414 by *Henry, *Herron, *Harper)

Rep. Rhinehart moved that House Bill No. 3132 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3132 by deleting from the first sentence of the amendatory language of Section 1 the language "two hundred fifty percent (250%)" and substituting instead the language "two hundred percent (200%)".

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 3132**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

***House Bill No. 3093** -- Bond Issues - Validates disposition of proceeds of school capital outlay notes issued before 1/15/98; requires sharing of new school capital outlay notes. Amends TCA Title 9, Chapters 3 and 21. by *Rhinehart. (SB3244 by *Henry)

On motion, House Bill No. 3093 was made to conform with **Senate Bill No. 3244**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 3244 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 3244** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2689 -- Hospitals and Health Care Facilities - Makes certain changes to nursing home certificate of need provisions. Amends TCA Title 68, Chapter 11. by *Rhinehart. (*SB2463 by *Cooper)

Further consideration of House Bill No. 2689 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment No. 1.

Rep. Rhinehart moved that House Bill No(s). 2689 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

RULES SUSPENDED

Rep. McDaniel moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 746 out of order, which motion prevailed.

House Joint Resolution No. 746 -- Memorials, Recognition and Thanks - American Legislative Exchange Council, 25th Anniversary. by *Boyer, *McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McDaniel, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2474** -- Nurses, Nursing - Requires public school nurses to be registered professional nurses; continues mandate for school nurse as part of BEP Amends TCA Section 49-3-359 and Title 68, Chapter 1, Part 12. by *Givens. (SB2555 by *Williams)

Rep. Givens moved that House Bill No. 2474 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

House Bill No. 1751 -- Hospitals and Health Care Facilities - Makes all existing and future certificates of need to be state-wide certificates for home health agencies. Amends TCA Title 68. by *McAfee. (*SB1747 by *Fowler)

On motion, House Bill No. 1751 was made to conform with **Senate Bill No. 1747**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved that Senate Bill No. 1747 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1751 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-11-202, is amended by adding the following as a new subsection to be appropriately designated:

() This subsection shall establish the criteria for the creation of branch offices by a home care organization operating pursuant to its certificate of need authority or pursuant to its license as of the effective date of this act. Nothing in this subsection shall permit a home care organization to expand its authority beyond the limitations of its certificate of need or its license as of the effective date of this act. Notwithstanding the provisions of this section to the contrary, the offices of a home care organization providing home health care services shall be classified as either a parent office of the home care organization or as a branch office of the home care organization. In determining whether the office of a home care organization providing home health care services is either a parent home care organization or a branch office, the board shall apply the following criteria:

(1) A parent office shall develop and maintain administrative controls of the branch office and house the administrative functions of the home care organization. The parent office shall be ultimately responsible for human resource activities and all financial and contractual agreements for the home care organization, including both parent and branch offices.

(2) The administrator and director of nursing for the home care organization shall be primarily located in the parent office. The home care organization administrator and director of nursing shall make on-site supervisory visits to each branch office at least quarterly.

(3) A branch office is an office that provides services within the geographical area for which the home care organization is licensed. A branch office must be sufficiently close to share administrative services with the parent office. A branch office shall be deemed to be sufficiently close if it is within one hundred (100) miles of the parent office; provided, however, the remaining criteria set forth in this subsection are also applicable. A branch office that is greater than one hundred (100) miles from a parent office may be considered a branch office by the board if it otherwise meets the criteria set forth in the subsection.

(4) The parent office of a home care organization shall have a clearly defined process to ensure that effective interchange occurs between the parent and branch regarding various functions including branch staffing requirements, branch office patient census, total visits provided by the branch, complaints, incident reports and referrals.

(5) The branch office of a home care organization shall maintain the same name and standards of practice as the parent office of the home care organization, including forms, policies, procedures and service delivery standards. The parent office of home care organizations shall maintain documentation of integration between the parent office and its branch offices.

(6) The parent office of a home care organization shall maintain regular administrative contact with its branch offices at least weekly. Documentation of this contact shall be maintained by the parent office. The parent office shall receive weekly written staffing reports from its branch offices including, without limitation, information regarding staffing needs, staffing patterns and staff productivity.

(7) A branch office of a home care organization existing as of the effective date of this act, which is more than one hundred (100) miles from the parent office of such home care organization and which has been previously approved as a branch office by the board, may continue to be classified as a branch office if it otherwise meets the criteria set forth in this subsection.

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. McAfee moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1747 by adding the following new sections immediately following the last section and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 68-11-1001(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(b)(1) The names and information contained in this registry shall be available for public inspection.

SECTION _____. Tennessee Code Annotated, Section 68-11-1001, is amended by deleting subdivision (b)(2) in its entirety.

SECTION _____. Tennessee Code Annotated, 68-11-1003, is deleted in its entirety.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. McAfee moved that **Senate Bill No. 1747**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2988 -- Basic Education Program (BEP) - Adds language to recognize full funding of BEP in 1997-1998 fiscal year; deletes provisions of Tennessee Education Finance Act of 1977. Amends TCA Title 49, Chapters 1 through 12 and Chapter 50. by *Davidson, *Kisber. (*SB3110 by *Womack)

Rep. Davidson moved that House Bill No. 2988 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2988 by deleting all language between the caption and the enacting clause and further deleting Sections 1, 2 and 3 of the bill in their entirety and substituting the following language as a new section 1 and renumbering the remaining sections accordingly::

SECTION 1. Tennessee Code Annotated, Section 49-3-1210, is amended by redesignating the existing language as subsection (a) and adding the following language as subsection (b):

(b) The state designates the authority to be the state education agency for purposes of allocation of qualified zone academy bonds, school modernization bonds, or any other non-grant federal financing programs intended to have statewide application for primary and secondary education. The authority may serve as the coordinator and administrator of such programs, establishing the terms and provisions of the programs.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 2988**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Joint Resolution No. 567** -- Naming and Designating - "Henry-Stafford Agricultural Exposition Center," Roane State Community College. by *Ferguson, *Gunnels.

Rep. Ferguson moved adoption of House Joint Resolution No. 567.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 567 by deleting all of the language in the first resolving clause following the words "THE SENATE CONCURRING", and substituting the following:

That it is recommended to the Tennessee state board of regents and Roane State Community College that appropriate action be taken to designate the agricultural exposition center at Roane State Community College as the "Henry-Stafford Agricultural Exposition Center" in recognition of their lifelong contributions to the people of Roane County and the State of Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Ferguson moved adoption of **House Joint Resolution No. 567**, as amended, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2881** -- Custody and Support - Rewrites biological father waiver of interest provisions and certain child support and Title IV-D child support enforcement provisions. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 24; Title 25; Title 26; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 50; Title 55; Title 56; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Stamps, *McDaniel. (SB3095 by *Person, *Atchley)

On motion, House Bill No. 2881 was made to conform with **Senate Bill No. 3095**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 3095 be passed on third and final consideration.

On motion, Rep. Turner(Hamilton) withdrew Children & Family Affairs Committee Amendment No. 1.

On motion, Rep. Turner(Hamilton) withdrew Children & Family Affairs Committee Amendment No. 2.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 3095 by deleting from Section 3(w)(5) the sentence which reads as follows:

I also understand that if the child is not adopted and paternity is later established by legal proceedings, or if I sign a voluntary acknowledgement of paternity, I could be liable for one-half of the actual medical and hospital expenses of the child's birth and one-half of the mother's pre-natal and post-natal care up to thirty (30) days following the child's birth if the legal proceeding to establish me as the child's father is brought, or the voluntary acknowledgment of paternity of the child is signed, within two (2) years of the date I sign this waiver.

and by substituting instead the following:

I also understand that if the child is not adopted and paternity is later established by legal proceedings, or if I sign a voluntary acknowledgement of paternity, I could be liable for all or a portion of the actual medical and hospital expenses of the child's birth and all or a portion of the mother's pre-natal and post-natal care up to thirty (30) days following the child's birth if the legal proceeding to establish me as the child's father is brought, or the voluntary acknowledgment of paternity of the child is signed, within two (2) years of the date I sign this waiver.

On motion, Amendment No. 3 was adopted.

Rep. Stamps requested that Senate Bill No. 3095 be moved down 5 places on the Calendar.

House Bill No. 3128 -- Personal Property - Specifies that consideration for transaction given to spouse of person who actually conducts transaction and who is or will be insolvent is deemed to be fraudulent as to creditors. Amends TCA Title 66, Chapter 3. by *Stamps. (*SB3203 by *Williams)

On motion, House Bill No. 3128 was made to conform with **Senate Bill No. 3203**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 3203 be passed on third and final consideration

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1

Rep. Stamps moved that **Senate Bill No. 3203** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2330 -- Criminal Offenses - Expands Class A misdemeanor of being improperly on school grounds to include school buses; expands civil cause of action for intentional assault on school personnel to include assault committed on vehicle used to transport students or faculty. Amends TCA Section 49-6-2008. by *Fowlkes. (*SB2256 by *Springer, *Williams)

On motion, House Bill No. 2330 was made to conform with **Senate Bill No. 2256**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 2256 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Fowlkes moved that **Senate Bill No. 2256** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1180 -- Juvenile Offenders - Reduces from 16 to 15 time credits juvenile offender may be awarded for each month served. Amends TCA Title 37. by *Scroggs, *Newton. (*SB318 by *Clabough)

Rep. Scroggs moved that House Bill No. 1180 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1180 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 37-1-153, is amended by adding shall the following as a new subsection (d):

(d)

(1) Except as otherwise permitted in this section, it is an offense for a person to intentionally disclose or disseminate to the public the files and records of the juvenile court, including the child's name and address.

- (2) A violation of this subsection is a Class B misdemeanor.

Section 2. Tennessee Code Annotated, Section 37-1-154, is amended by adding the following as a new subsection (d):

(d)

(1) Except as otherwise permitted in this section, it is an offense for a person to intentionally disclose or disseminate to the public the law enforcement records concerning a charge of delinquency, including the child's name and address.

- (2) A violation of this subsection is a Class B misdemeanor

Section 3. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Scroggs moved that **House Bill No. 1180**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Miller -- 2.

A motion to reconsider was tabled.

House Bill No. 2875 -- Adoption - Adds emphasis on safety of child by revising foster care, permanency planning, adoption and termination of parental rights laws. Amends TCA Title 36, Chapter 1, Title 37, Chapter 1, Title 37, Chapter 2, Title 37, Chapter 3, Title 37, Chapter 5, and Title 71, Chapter 5. by *Scroggs, *McDaniel. (*SB3089 by *Person, *Atchley)

Rep. Scroggs moved that House Bill No(s). 2875 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

House Bill No. 2752 -- Fiscal Review Committee - Establishes division in fiscal review committee to monitor, analyze and manage certain federal grant activities and information. Amends TCA Title 3, Chapter 7. by *DeBerry L, *Bowers, *Brooks. (*SB2706 by *Dixon, *Harper)

On motion, House Bill No. 2752 was made to conform with **Senate Bill No. 2706**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 2706 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2706 By deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 7, is amended adding the following new section:

Section _____. There is established a federal grants monitoring and management division within the staff of the office of legislative budget analysis. The division shall consist of two (2) staff members. The division shall monitor, analyze, and manage information concerning federal grant programs, including but not limited to social services grant funds, in order to inform members of the general assembly concerning such grants. The division shall also facilitate appropriate action by executive branch agencies concerning such grants. The director of the office of legislative budget analysis shall make such reports as the chair of the finance, ways and means committee of the house or senate deems appropriate.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **Senate Bill No. 2706**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

Senate Bill No. 3095 -- Custody and Support - Rewrites biological father waiver of interest provisions and certain child support and Title IV-D child support enforcement provisions. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 24; Title 25; Title 26; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 50; Title 55; Title 56; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Person, *Atchley. (*HB2881 by *Stamps, *McDaniel)

Further consideration of Senate Bill No. 3095 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 3.

Rep. Stamps moved that Senate Bill No. 3095, as amended, be passed on third and final consideration.

Rep. Stamps moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 3095 by deleting from Section 3(w)(2)(B) of the printed bill the language "one-half of the actual medical and hospital expenses for the child's birth and one-half of the mother's pre-natal and post-natal care up to thirty (30) days following the child's birth", and by substituting instead the language "all or a portion of the actual medical and hospital expenses of the child's birth and all or a portion of the mother's pre-natal and post-natal care up to thirty (30) days following the child's birth".

Rep. Turner(Hamilton) moved that Senate Bill No(s). 3095 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

House Bill No. 2726 -- Taxes, Personal Property - Provides that personal property valued at \$5,000 or less deemed to have no value for property tax; placing monetary limit on value may by implication alter present law which places no value on all other tangible personal property not public utility or industrial and commercial property; allows assessor to back assess or reassess. Amends TCA Section 67-5-903. by *White. (*SB2877 by *Springer)

On motion, House Bill No. 2726 was made to conform with **Senate Bill No. 2877**; the Senate Bill was substituted for the House Bill.

Rep. White moved that Senate Bill No. 2877 be passed on third and final consideration.

On motion, Rep. Head withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. White moved that **Senate Bill No. 2877** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1492** -- Health - Establishes Area Health Education Center Program of Tennessee; appropriates \$1.5 million for 1997-1998. Amends TCA Title 68. by *Armstrong, *DeBerry L., *Brown, *Jones U (Shelby), *DeBerry J., *Cooper B, *Langster, *Pruitt, *Turner (Shelby), *Bowers, *Miller L, *Brooks, *Towns, *Stulce. (SB1738 by *Crutchfield, *Dixon, *Harper, *Ford J, *Crowe)

On motion, House Bill No. 1492 was made to conform with **Senate Bill No. 1738**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that Senate Bill No. 1738 be passed on third and final consideration.

Rep. Armstrong moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Armstrong moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1738 by deleting from the second sentence of Section 16 the language "July 1, 1997" and substituting instead the language "July 1, 1998".

On motion, Amendment No. 2 was adopted.

On motion, Rep. Head withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 3.

On motion, Rep. Head withdrew Finance, Ways & Means Committee Amendment No. 2 as House Amendment No. 4.

Rep. Armstrong moved that **Senate Bill No. 1738**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2995 -- Assessors - Provides that municipalities shall bear pro-rata share of cost of personal property. Amends TCA Section 67-5-507. by *Maddox. (*SB3111 by *Womack)

On motion, House Bill No. 2995 was made to conform with **Senate Bill No. 3111**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that Senate Bill No. 3111 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 3111 by adding the following new section immediately preceding the last section and by renumbering the subsequent accordingly:

Section _____. The provisions of this act shall not apply in any county having a charter form of government.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 3111 by deleting the following:

Section _____. The provisions of this act shall not apply in any county having a charter form of government.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a charter form of government and having a population in excess of eight hundred thousand (800,000) according to the 1990 federal census of population or any subsequent federal census of population.

On motion, Amendment No. 2 was adopted.

Rep. Maddox moved that **Senate Bill No. 3111**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner

(Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 3045 -- Driver Licenses - Revises procedure for minor withdrawn from school to appeal revocation of driver license. Amends TCA Title 55, Chapter 50. by *Sands, *Haley, *Pleasant, *Hargett. (*SB3048 by *Cohen)

On motion, House Bill No. 3045 was made to conform with **Senate Bill No. 3048**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that Senate Bill No. 3048 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Sands moved that **Senate Bill No. 3048** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Joint Resolution No. 565** -- Constitutional Amendments - Removes constitutional ban on lotteries if proceeds allocated for education. by *Kernell.

Rep. Kernell requested that House Joint Resolution No. 565 be moved to the heel of the Calendar.

House Bill No. 754 -- DUI/DWI Offenses - Clarifies that subsequent violations of DUI law within ten years are to be considered when determining whether offender is multiple offender. Amends TCA Title 55, Chapter 10, Part 4. by *Turner (Hamilton), *Ritchie, *McMillan, *Stamps. (*SB998 by *Fowler, *Crowe, *Person, *Ramsey, *Williams)

Rep. Turner(Hamilton) moved that House Bill No(s). 754 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry. Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3235** -- Real Estate Agents and Brokers - Exempts services of vacation lodging management businesses from real estate licensure provisions. Amends TCA Section 62-13-104. by *Huskey, *Rhinehart, *Walker (Blount). (SB3310 by *Clabough, *Cooper)

On motion, House Bill No. 3235 was made to conform with **Senate Bill No. 3310**; the Senate Bill was substituted for the House Bill.

Rep. Huskey moved that Senate Bill No. 3310 be passed on third and final consideration.

Rep. Rhinehart moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Huskey moved that **Senate Bill No. 3310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2124** -- Aged Persons - Creates task force to be in existence for one year to identify major health issues facing elderly, exclusive of issues relating to long-term care; creates office of aging within department of health. Amends TCA Title 4, Chapter 3, Part 18. by *Pruitt, *Hargett, *Jones, S., *Jackson, *DeBerry J, *Eckles, *Odom, *Bowers, *Patton, *Armstrong, *DeBerry L, *Bird, *Langster, *Caldwell, *Brooks, *McDaniel, *Turner (Hamilton), *Ferguson, *Walley, *Boner, *Cooper B. (SB2321 by *Dixon)

Rep. Pruitt moved that House Bill No. 2124 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2124 by deleting in its entirety all the language following the enacting clause, and substituting instead the following:

SECTION 1. (a) There is created a task force to identify the major health issues facing people over sixty-five (65) having the greatest impact upon the health and well-being of such individuals, exclusive of issues relating to long-term care.

(b) The task force shall be composed of thirteen (13) members to be appointed as follows:

(1) One (1) member of the House Health and Human Resources Committee and one (1) member of the House Consumer and Labor Affairs Committee, each to be appointed by the Speaker of the House;

(2) One (1) member of the Senate General Welfare, Health and Human Resources Committee and one (1) member of the Senate Commerce, Labor and Agriculture Committee, each to be appointed by the Speaker of the Senate;

(3) The Chief Medical Officer of the Department of Health;

(4) The Executive Director of the Commission on Aging, or the executive director's designee;

(5) The Commissioner of Human Services, or the commissioner's designee;

(6) A physician with knowledge of geriatrics; a representative of the American Association of Retired Persons; a representative of a senior citizen agency; a minister; and one (1) citizen over sixty-five (65) years of age, each to be appointed by the governor; and one (1) certified geriatric specialist, to be appointed by the Tennessee Physical Therapy Association.

(c) All appointments shall be made no later than September 1, 1998, to enable the task force to begin its study and file its report within the time established in Section 3.

SECTION 2. The task force shall:

(1) Identify prevention strategies which could affect the health conditions of people over sixty-five (65) and improve the quality of life;

(2) Identify at what age such prevention strategies would have their best potential for improving health; and

(3) Identify problems the elderly experience in getting appropriate treatment for chronic diseases which afflict the elderly.

SECTION 3. The task force shall complete its study and file its final report by January 1, 2000, including any recommendations for necessary legislative action, with the members of the House Health and Human Resources Committee, the members of the House Consumer and Labor Affairs Committee, the members of the Senate General Welfare, Health and Human Resources Committee, the members of the Senate Commerce, Labor and Agriculture Committee, and the governor. Upon the filing of such report, the task force shall cease to exist.

SECTION 4. Non-legislative members shall serve without compensation but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

SECTION 5. The Commission on Aging created by Tennessee Code Annotated 71-2-101, shall provide staff assistance to the task force created pursuant to this act including, but not limited to, the following duties and responsibilities:

(a) Compile information about issues and unmet needs of the elderly, as well as strategies being used across the nation to address such issues and needs;

(b) Work with the department of health and other departments and agencies of state government to integrate and enhance services for the elderly;

(c) Provide information to area agencies on aging, county and regional health councils, and other agencies and organizations serving elderly persons to increase awareness of the needs of elderly residents; and

(d) Develop partnerships with public and private social services and health agencies in an effort to:

(1) Increase awareness of the general population concerning issues facing the elderly;

(2) Increase awareness of senior citizens about measures they can take to stay as healthy as possible; and

(3) Improve the knowledge of health professionals regarding geriatric preventive and maintenance care.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2124 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. (a) The commission on aging is directed to identify:

Prevention strategies which could improve the quality of life and affect the health conditions of person over age sixty-five (65) years;

The age at which prevention strategies have their best potential for improving health; and

The problems experienced by the elderly in obtaining appropriate treatment for chronic diseases that afflict the elderly.

The commission on aging shall call on other state agencies for assistance in accordance with their resources. The commission shall report concerning its findings and recommendations to the governor, the senate general welfare committee, and the house health and human resources committee on or before January 1, 2000.

Section 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Pruitt moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2124 By deleting the word "and" after subdivision (2) of Section 1; by changing the period at the end of subdivision (3) of Section 1 to a semi-colon and adding the word "and"; and by adding the following language as a new subdivision (4) to Section 1:

(4) Compile information regarding issues and unmet needs of the elderly, as well as strategies being used across the nation to address such issues and needs and make such information available upon request.

On motion, Amendment No. 3 was adopted.

Rep. Pruitt moved that **House Bill No. 2124**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 3041 -- TennCare - Extends termination date of select oversight committee on TennCare from adjournment of 1997 session until adjournment of 2001 session. Amends TCA Title 3, Chapter 15, Part 5. by *Jackson, *Walley, *Buck. (*SB2589 by *Herron)

On motion, House Bill No. 3041 was made to conform with **Senate Bill No. 2589**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 2589 be passed on third and final consideration.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2589 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 3-15-502(a), is amended by adding the following language at the end of the subsection: "Beginning with the 100th general assembly, when the committee elects its officers, the chair shall alternate each general assembly between members of the house and of the senate."

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **Senate Bill No. 2589**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Joint Resolution No. 477** -- General Assembly, Studies - Creates special joint committee to study bail bond system. by *Brown, *Bowers.

Rep. Brown moved adoption of House Joint Resolution No. 477.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 477 by deleting the caption in its entirety and substituting instead the following:

A RESOLUTION to request the House of Representatives Judiciary Committee to study the state's bail bond system.

FURTHER AMEND by deleting all of the resolving clauses in their entirety and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the House of Representatives Judiciary Committee is hereby requested to study the state's bail bond system.

BE IT FURTHER RESOLVED, That the judiciary committee shall, at a minimum, in its deliberations consider the following:

The fairness and equity of the state's bail bond system, including an assessment of possible discrimination in its application;

The public safety problems the bail bond system presents; and

The use and possible regulation of bounty hunters as bail enforcement agents; and

Alternatives to the current system.

BE IT FURTHER RESOLVED, That various state departments shall provide assistance to the committee upon request of the chair.

BE IT FURTHER RESOLVED, That the Judiciary Committee shall timely report its findings and recommendations, including any proposed legislation or interim reports to the One-Hundred First General Assembly prior to the adjournment of its 1999 session.

On motion, Amendment No. 1 was adopted.

Rep. Brown moved adoption of **House Joint Resolution No. 477**, as amended, which motion prevailed by the following vote:

Ayes95
Noes0
Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Eckles -- 1.

A motion to reconsider was tabled.

***House Resolution No. 90** -- General Assembly, Studies - Creates special house committee to study problems associated with integrating ex-offenders into mainstream of society. by *DeBerry J.

Rep. J. DeBerry moved adoption of House Resolution No. 90.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 90 by deleting the last resolving clause in its entirety and by substituting instead the following:

BE IT FURTHER RESOLVED, That the special committee shall timely report its finding and recommendations, including any proposed legislation, to the 101st General Assembly no later than February 15, 1999, at which time the committee will cease to exist.

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved adoption of **House Resolution No. 90**, as amended, which motion prevailed.

***House Resolution No. 91** -- General Assembly, Studies - Creates special house committee to study highway safety and to draft comprehensive highway safety act. by *DeBerry J.

Rep. J. DeBerry moved adoption of House Resolution No. 91.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 91 by deleting all of the resolving clauses in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the Safety Subcommittee of the House Transportation Committee is directed to study highway safety in Tennessee and to perform a comprehensive examination of highway safety statutes and enforcement.

BE IT FURTHER RESOLVED, That the Safety Subcommittee shall report its findings and recommendations, including any proposed legislation, to the House Transportation Committee on or before February 15, 1999.

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved adoption of **House Resolution No. 91**, as amended, which motion prevailed by the following vote:

Ayes97
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Resolution No. 167** -- General Assembly, Studies - Continues special study committee to examine usage and effects of Ritalin and other amphetamines. by *Brown, *Rhinehart, *Ford S, *Stamps, *Brooks.

Rep. Brown moved adoption of House Resolution No. 167.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 167 by deleting the last resolving clause and by substituting instead the following:

BE IT FURTHER RESOLVED, That the special study committee shall: (1) timely report its findings and recommendations, including any proposed legislation, to the One Hundred First General Assembly prior to the adjournment of its 1999 session, (2) report on any unresolved issues and refer such issues to the Select Committee on Children and Youth for further study, and (3) cease to exist on the making of such reports.

On motion, Amendment No. 1 was adopted.

Rep. Brown moved adoption of **House Resolution No. 167**, as amended, which motion prevailed by the following vote:

Ayes 96
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Eckles -- 1.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 412** -- General Assembly, Studies - Creates special joint committee to study issues relative to confidentiality of state personnel records. by *Atchley.

Rep. Dunn moved to concur in Senate Joint Resolution No. 412.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 412 By deleting all of the resolving clauses in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE CONCURRING, That the Judiciary Committees of the Senate and House of Representatives are directed to study issues relative to the confidentiality of state employee personnel records.

BE IT FURTHER RESOLVED, That the Judiciary Committee of each house shall report its findings and recommendations to its respective house, including any proposed legislation or interim reports, to the One Hundred First General Assembly no later than February 15, 1999.

On motion, Amendment No. 1 was adopted.

Rep. Dunn moved to concur in **Senate Joint Resolution No. 412**, as amended, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 2** -- Constitutional Amendments - Completes constitutional amendment process by proposing to 100th General Assembly same constitutional amendment relative to rights to which victims of crime are entitled that was passed during 99th General Assembly. by *Burks, *Herron, *Crowe, *Kyle, *Springer, *Kurita, *Gilbert, *Williams.

Rep. Hargrove requested that the Clerk read Senate Joint Resolution No. 2 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read Senate Joint Resolution No. 2.

Rep. Hargrove moved that Senate Joint Resolution No(s). 2 be reset to the Regular Calendar for April 23, 1998, for second reading, which motion prevailed.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2406** -- Civil Procedure - Authorizes reproduction of business record to be admissible in evidence if reproduction of business record created in regular course of business. Amends TCA Title 24, Chapter 7. by *Buck. (SB2750 by *Person)

Rep. Buck moved that House Bill No. 2406 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2406 by deleting the following from subsection (a) of the amendatory language of SECTION 1:

"or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, or has otherwise created an original record, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other"

and by substituting instead the following:

"or created any writing, recording or photograph of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic image or other".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2406**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 95.

A motion to reconsider was tabled.

***House Bill No. 1539** -- Alcoholic Offenses - Imposes fines on parents and guardians who know their underage children have alcoholic beverages in their possession. Amends TCA Title 57. by *Cole (Dyer). (SB1716 by *Haun)

Rep. Cole(Dyer) moved that House Bill No(s). 1539 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

***House Bill No. 2475** -- Physicians and Surgeons - Revises procedure for international medical school graduate to obtain license by identifying one year training program and two year clinical fellowship, both approved by AMA, as meeting requirements of three year residency program. Amends TCA Section 63-6-207. by *Halteman Harwell. (SB2727 by *Cooper)

On motion, House Bill No. 2475 was made to conform with **Senate Bill No. 2727**; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that Senate Bill No. 2727 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Halteman Harwell moved that **Senate Bill No. 2727** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion,

Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2669 -- Federal Aid - Requires all applications for federal funds and all federal grant applications to be posted on Internet at least ten days prior to submission; sets out notice requirements; requires notification of substantive changes in existing funding or grants to be posted on Internet. by *Halteman Harwell, *Haley, *Goins, *Wood, *Beavers, *Hassell, *Boyer, *Mumpower, *Godsey, *Burchett, *Pinion. (*SB2197 by *Fowler)

On motion, House Bill No. 2669 was made to conform with **Senate Bill No. 2197**; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that Senate Bill No. 2197 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Miller moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2197 by adding the following new subpart (2) to subsection (d) of the amendatory language of SECTION 1 of House State and Local Government Committee Amendment #1 and by renumbering subsequent subparts accordingly:

(2) The amount of money awarded for each approved grant;

On motion, Amendment No. 2 was adopted.

Rep. Halteman Harwell moved that **Senate Bill No. 2197**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach,

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 207 -- Education, Higher - Changes from 21 to 24 age for dependent children of certain World War II and Korean War servicemen to be eligible for free tuition at state colleges and universities. Amends TCA Title 49, Chapters 7, 8, and 9. by *Ritchie, *Davidson, *Pinion. (*SB26 by *Atchley)

Rep. Ritchie moved that House Bill No(s). 207 be reset for the Regular Calendar on April 27, 1998, which motion prevailed.

House Bill No. 3237 -- Women - Creates economic council for women. by *Turner (Hamilton), *McMillan, *Brooks, *Bowers, *Langster, *Beavers, *Pruitt, *Brown, *Jones, S., *Eckles, *Halteman Harwell, *Cooper B, *Hassell, *Churnney, *Hargrove, *DeBerry L, *Naifeh, *Armstrong, *Rinks, *Arriola, *Williams (Williamson), *Davis R, *Walley, *Head, *McDaniel, *Westmoreland, *Miller L. (*SB3134 by *Harper, *Graves, *Kurita, *Dixon, *Springer, *Kyle, *Womack, *Herron, *Haynes, *Henry, *Crutchfield, *Davis L, *Person, *Crowe)

Rep. Turner(Hamilton) moved that House Bill No. 3237 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3237 by deleting all language following the caption and by substituting instead the following:

WHEREAS, it is necessary and appropriate for this state to more fully address the economic concerns and needs of women, including, but not limited to, employment policies and practices, educational needs and opportunities, child-care, property rights, health-care, domestic relations, and the impact of federal and state laws; and

WHEREAS, a council is needed to conduct research, hold hearings, develop recommendations and policies, educate the public and engage in other activities for the benefit of women; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. A Tennessee economic council on women, hereinafter referred to as the "economic council," is created. The economic council shall be composed of twenty-one (21) members. Nine (9) members shall be jointly appointed by the speaker of the senate and the speaker of the house of representatives, one (1) such member to be so appointed from each of the nine (9) multi-county development districts created under Tennessee Code Annotated § 13-14-101, *et seq.* Two (2) senators shall be appointed by the speaker of the senate and two (2) representatives shall be appointed by the speaker of the house of representatives. One (1) member shall be appointed by the Tennessee black caucus of state legislators and one member shall be appointed by the legislative women's caucus. One (1) cabinet member shall be appointed by the governor. Three (3) members shall be appointed by the governor, one (1) such member to be so appointed from nominations received from each of the following: the board of trustees of the university of Tennessee, the Tennessee board of regents and the Tennessee independent colleges and universities, which nominees shall be academic faculty or staff: (1) from state or private four-year universities or colleges having a graduate program, and (2) with research and teaching experience in the field of economic concerns of women. The governor shall appoint two (2) members at-large from a slate of six (6) nominees jointly recommended through links, 100 black women, league of women voters of Tennessee, Tennessee women's political caucus, Tennessee lawyers association for women and housing authority tenant associations. The recommending groups shall actively seek nominees from as broad a range as reasonably possible of local, civic and business groups. The appointing authorities shall ensure that their appointments broadly represent the community in such areas as age, sex, minority groups, economic levels, employment and political affiliation.

The first appointive members shall hold office for staggered terms. Of the nine (9) appointees from the development districts, the speakers shall jointly appoint three (3) for two (2) year terms, three (3) for four (4) year terms, and three (3) for six (6) year terms. Of the three (3) academic appointees of the governor, one (1) academic member shall be appointed for a two (2) year term, one (1) for a four (4) year term, and one (1) for a six (6) year term. One (1) of the members at large appointed by the governor shall serve an initial four (4) year term. The other member at large appointed by the governor shall have an initial six (6) year term. All other appointees shall be for six (6) year terms. All subsequent appointments of members shall be for full six (6) year terms. No appointed member shall be appointed to more than two (2) consecutive six (6) year terms. Vacancies shall be filled by appointment pursuant to the criteria in this section only for the remainder of the unexpired term. Any member initially

appointed for a six (6) year term shall not be eligible for reappointment without a two (2) year absence from commission membership. All other members shall be eligible for reappointment for a six (6) year term. A two (2) year absence from the economic council membership qualifies any member for reappointment following the criteria of this section.

SECTION 2.

(a) The economic council shall meet as necessary to transact business; provided, that meetings shall be held at least quarterly. Special meetings may be called by the chair or by three (3) members of the economic council, upon delivery of written notice to each member of the economic council. All members shall be duly notified of the time and place of any regular or special meeting at least seven (7) days in advance of such meeting. The economic council may conduct meetings which must be open to the public by: (1) telephone conference calls with speaker phones and/or (2) electronic conferencing. The economic council shall elect at the first regular meeting of each calendar year a chair, a vice-chair, and three (3) representatives, one (1) from each of the three (3) grand divisions, who shall comprise the five (5) member executive committee to function between quarterly meetings. The chair or the executive director may call meetings of the executive committee. The executive committee shall carry out the matters delegated to it by the full economic council. The majority of the members of the economic council shall constitute a quorum and the concurrence of a majority of those present and voting in any matter within its duties shall be required for a determination of matters within its jurisdiction.

(b) The economic council shall promulgate bylaws to provide for the election of officers, establishment of committees, meetings and regulations as to procedural matters of the economic council. The economic council shall conduct its meetings using Roberts Rules of Order.

The council is also authorized to promulgate, amend, revise and rescind rules for its own functioning in accordance with the uniform administrative procedures act.

(c) The economic council shall have the authority to hire an executive director who shall serve at the pleasure of the economic council.

(d) The economic council shall address the economic concerns and needs of women in Tennessee, which concerns and needs include, but are not limited to, employment policies and practices, educational needs and opportunities, child-care, property rights, health-care, domestic relations, and the effect of federal and state laws on women. In order to address these concerns and needs of women, the council may conduct research, hold hearings, develop recommendations and policy, educate the public and engage in activities for the benefit of women.

(e) The economic council is authorized to request funds from the federal government and private sources to implement Section 2 (d).

(f) The economic council shall consult with and report to the governor, the women's legislative caucus, the general assembly, and the pertinent agencies, departments, boards, commissions and other entities of state and local governments on matters pertaining to women. Furthermore, the economic council may request assistance from the departments of state and local governments, and advisory committees as needed.

(g) The economic council shall serve as an advocate for women.

It shall, further, set up and execute a program to find and encourage women to serve on state boards and commissions.

(h) To the extent resources to do so exist, the economic council shall evaluate and quantify the results of job training programs that currently exist, and evaluate whether they are helping women to obtain better employment.

SECTION 3. Beginning in the year 2000, the economic council shall submit a biennial report to the governor, the women's legislative caucus and the general assembly by September 1 following the conclusion of any regular annual session occurring in an even-numbered year. Such report shall summarize the economic council's activities, and finding on the economic status of women in the state of Tennessee during the preceding two years. The report shall include recommendations for more effective use of existing resources and services for women, and proposals for the development of programs, opportunities and services, which are not otherwise provided, with the aim of development of a comprehensive and coordinated system of

services for women. Furthermore, the economic council may make such other recommendations as the economic council deems appropriate. A copy of said report shall be published and disseminated to the public as well as copies made available in the offices of the economic council for review by the public.

SECTION 4.

(a) The executive director shall be chief administrative officer of the economic council and pursuant to Section 2 (c), shall serve at the pleasure of the economic council. The executive director shall be a full-time employee of the economic council and shall have education as deemed necessary by the economic council. The economic council shall fix the executive director's duties and responsibilities, which are in addition to those specified in this act. The economic council shall evaluate periodically the performance of the executive director. The executive director shall have the authority to conduct the ordinary and necessary business in the name of the economic council in accordance with the provisions of this part or as determined by the economic council.

(b) The executive director shall have the following duties: supervise the expenditure of funds and be responsible for complying with all applicable provisions of state and federal law in receipt of and the disbursement of funds; serve as an advocate for women; serve as the executive officer of the economic council; employ personnel as authorized by the economic council. The executive director shall hire and remove any clerical personnel in accordance with the civil service system.

SECTION 5. The conflict of interest provisions set forth in Tennessee Code Annotated, § 12-4-101, shall apply to members of the economic council.

SECTION 6. This Act shall take effect on September 1, 1998 the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3237 by adding the following language between the fourth and fifth sentences of Section 2 subsection (a):

Such meetings shall conform to the requirements of Tennessee Code Annotated, Title 8, Chapter 44, Part 1.

On motion, Amendment No. 2 was adopted.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Turner(Hamilton) moved that **House Bill No. 3237**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

House Bill No. 3087 -- Bonds and Undertakings, Regulation of - Requires underwriter or issuer of debt obligations by public entity to report, in advance, to such public entity estimated cost of issuance of such debt obligation. Amends TCA Section 9-21-151. by *Kisber. (*SB3178 by *Gilbert, *Henry)

On motion, House Bill No. 3087 was made to conform with **Senate Bill No. 3178**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 3178 be passed on third and final consideration

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 3178** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 96.

A motion to reconsider was tabled.

***House Bill No. 3307** -- Correction, Dept. of - Merges probation and parole duties; creates board of probation and parole Amends TCA 4-5-106; 4-29-223; 8-7-206; 8-50-501; 37-1-612; 38-6-102, 38-12-103, Title 39, Chapter 13, Parts 1, 5, and 7; 39-16-609; 39-17-432; Title 40; Title 41; and 55-50-501. by *Kisber. (SB3305 by *Atchley, *Wilder)

Rep. Kisber moved that House Bill No. 3307 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3307 by deleting in Section 26 in its entirety.

AND FURTHER AMEND by deleting in Section 27 in its entirety.

AND FURTHER AMEND in Section 34, by deleting the amendatory language "chair" and by substituting instead the language "board of probation and parole".

AND FURTHER AMEND in Section 59, by deleting the amendatory language "chair of the board of probation and parole" and by substituting instead the language "board of probation and parole".

AND FURTHER AMEND in Section 62, by deleting the amendatory language "chair" and by substituting instead the language "board of probation and parole".

AND FURTHER AMEND by adding the following new section before the effective date section and by renumbering the subsequent section appropriately:

SECTION ___. Title 40, Chapter 28 is further amended by deleting the words "board of paroles" wherever they appear throughout the chapter and by substituting instead the words, "boards of probation and parole".

On motion, Amendment No. 1 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3307 By deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. (a) Tennessee Code Annotated, Section 4-29-223(a), is amended by deleting item (36) in its entirety.

(b) Tennessee Code Annotated, Section 4-29-222(a), is amended by adding a new item thereto, as follows:

() Board of probation and parole, created by §§ 40-28-101 – 40-28-104;

On motion, Amendment No. 2 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 3307 by adding the following as a new section to precede the effective date section:

SECTION ___. Tennessee Code Annotated, Section 40-28-104, is amended by adding the following as new subdivision (a)(1) and renumbering subsequent subdivisions accordingly:

(1) The authority to select and recommend to the appropriate state officials the employment or transfer of all personnel required for the operation of the board, except, however, the initial transfer of any career service employee pursuant to the merger of probation and parole field services and community corrections pursuant to this chapter shall not result in any impairment, interruption or diminution of employee rights, salary, benefits, leave accumulation or employment. The commissioner of personnel is authorized to determine if there has been any impairment of rights, salary, benefits, leave accumulation or employment as a result of the initial transfer. Any career service employee may seek redress of any such

determination through a request for declaratory order by the commissioner of personnel pursuant to Tennessee Code Annotated, Section 4-5-223.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Kisber moved that **House Bill No. 3307**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1488 -- Utilities, Utility Districts - Requires utility district expanding service area into additional county to thereafter include on board of commissioners at least one person who is resident of such county and such service area. Amends TCA Title 7, Chapter 82. by *Huskey, *Cross. (*SB1584 by *Clabough)

Rep. Huskey moved that House Bill No. 1488 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1488 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-82-302, is amended by adding a new, appropriately designated subsection as follows:

(j) Any district providing propane gas service on April 15, 1998, is empowered to provide such service within the county or counties in which it is providing service on that date without any further proceedings before or approvals of any county executive, the utility management review board or any other person or agency; provided, the authorization contained in this subsection shall not preclude any other person, firm or corporation, public or private, from furnishing propane gas service within the area served by the district.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved the previous question, which motion prevailed by the following vote:

Ayes	64
Noes	20
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Bird, Bone, Bowers, Boyer, Brown, Buck, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Ford, Fowlkes, Givens, Godsey, Gunnels, Halteman-Harwell, Hassell, Head, Hood, Huskey, Jackson, Jones S., Kent, Langster, Lewis, Maddox, McAfee, McMillan, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Turner (Hamilton), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Beavers, Burchett, Caldwell, Chumney, Dunn, Fitzhugh, Goins, Hargett, Hargrove, Hicks, Kerr, McDaniel, McDonald, Sharp, Stamps, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Wood -- 20.

Representatives present and not voting were: Brooks, Cooper, Fraley, Kernell, Ritchie -- 5.

Rep. Huskey moved that **House Bill No. 1488**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	9
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Bird, Bone, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Langster, Lewis, Maddox, McAfee,

WEDNESDAY, APRIL 22, 1998 -- EIGHTY-SIXTH LEGISLATIVE DAY

McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Boyer, Burchett, Dunn, Hargett, Hargrove, Kerr, McDaniel, Ritchie, Walker (Blount) -- 9.

Representatives present and not voting were: Beavers, Haley, Sands, Stamps -- 4.

A motion to reconsider was tabled.

House Bill No. 1313 -- Alcoholic Beverages - Permits sale of beer in 22, 25.4 and 40 ounce containers. Amends TCA Section 57-6-104(i). by *Kent. (*SB706 by *Cohen)

On motion, House Bill No. 1313 was made to conform with **Senate Bill No. 706**; the Senate Bill was substituted for the House Bill.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Kent moved that Senate Bill No. 706 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 706 By deleting all language which follows the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-6-104(i), is amended by adding new language as follows:

It is also lawful and allowable for any wholesaler or retailer to sell beer in a 25.4 ounce container. However, if any product regulated under this chapter is sold in a 25.4 ounce container with a label which contains the name or trademark of a wine or distilled spirit product registered pursuant to §57-3-301, then such product must be described as "beer" and/or "malt based product" and/or "flavored beer" and/or "flavored malt beverage" or similar

language on a label approved by the U. S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms.

SECTION 2. This act shall take effect on July 2, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 706 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Burchett moved the previous question, which motion prevailed.

Rep. Kent moved that **Senate Bill No. 706**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes	17
Present and not voting.....	4

Representatives voting aye were: Arriola, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry L., Fitzhugh, Fowlkes, Fraley, Givens, Gunnels, Halteman-Harwell, Hargrove, Hassell, Hicks, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Rhea), West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Armstrong, Beavers, Cross, Davidson, Dunn, Ferguson, Ford, Godsey, Goins, Hood, McAfee, McDonald, Mumpower, Walker (Blount), Walley, Windle, Wood -- 17.

Representatives present and not voting were: Bird, Eckles, Head, Ritchie -- 4.

A motion to reconsider was tabled.

House Bill No. 3203 -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by *Dunn, *Burchett, *Bone, *West, *Haley, *Pleasant. (*SB1610 by *Jordan)

Further consideration of House Bill No. 3203 previously considered on today's Calendar.

Rep. Buck moved to rerefer House Bill No. 3203 to the Judiciary Committee, which motion prevailed.

***House Joint Resolution No. 565** -- Constitutional Amendments - Removes constitutional ban on lotteries if proceeds allocated for education. by *Kernell.

Further consideration of House Joint Resolution No. 565 previously considered on today's Calendar.

Rep. Kernell moved adoption of House Joint Resolution No. 565.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 565 by adding immediately before existing language, the following preamble:

WHEREAS, the Ninety-Ninth General Assembly considered and passed Senate Joint Resolution No. 4, which proposed an amendment to Article XI, Section 5, of the Constitution of Tennessee, relative to the prohibition on lotteries; now, therefore,

AND FURTHER AMEND by deleting from the second resolving paragraph, the words "the same being the 1998 November general election" and by substituting instead the words:

the same being the 1998 regular November Election and the Secretary of State is directed to place such amendment on the ballot for that election

On motion, Amendment No. 1 was adopted.

Rep. Kernell requested that the Clerk read House Joint Resolution No. 565, as amended, for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 565.

Rep. Kernell moved that House Joint Resolution No(s). 565 be reset to the Regular Calendar on April 23, 1998, for second reading, which motion prevailed.

BILL RE-REFERRED

Rep. Eckles moved that House Bill No. 3000 be re-referred to the Finance, Ways & Means Committee, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 331** -- General Assembly, Directed Studies - Directs department of environment and conservation to study implementation of program warning public of presence of hazardous and toxic wastes at certain Superfund sites. by *DeBerry J, *Cooper B.

Senate Amendment No. 1

AMEND House Joint Resolution No. 331 by deleting the word "directed" in the first resolving clause of the printed resolution and by substituting instead the word "urged".

AND FURTHER AMEND by deleting the words and figures "One-Hundredth General Assembly no later than January 15, 1998" in the second resolving clause of the printed resolution and by substituting instead the words and figures "One-Hundred First General Assembly no later than February 1, 1999".

Rep. J. DeBerry moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 331**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2090 -- Probation - Provides that, in determining whether a probation violation has occurred, court may rely upon certified lab report as to the chemical composition of substance in lieu of live testimony of lab technician who performed tests. Amends TCA Title 40, Chapter 35, Part 3. by *Goins, *Walker (Blount), *Hargett. (*SB2138 by *McNally)

Senate Amendment No. 1

AMEND House Bill No. 2090 by deleting the amendatory language of Section 1 and by substituting instead the following:

(c) For good cause shown, a laboratory report regarding a defendant's drug test is admissible in probation revocation proceedings, even though the laboratory technician who performed the test is not present to testify, when accompanied by an affidavit containing at least the following information:

- (1) The identity of the certifying technician;
- (2) A statement of qualifications from the certifying technician;
- (3) A specific description of the testing methodology;
- (4) A statement that the method of testing was the most accurate test for this particular drug;
- (5) A certification that the test results were reliable and accurate;
- (6) A declaration that all established procedures and protocols were followed; and
- (7) A statement of acknowledgment that submission of false information in the affidavit may subject the affiant to prosecution for the criminal offense of perjury pursuant to § 39-16-702.

Rep. Goins moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2090**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2141** -- Criminal Offenses - Expands scope of criminal offense of retaliation for past action to include clerk. Amends TCA Section 39-16-510. by *Windle. (SB2618 by *Haynes)

Senate Amendment No. 1

AMEND House Bill No. 2141 by adding the following sentence to the end of the amendatory language of Section 1:

The offense of retaliation for past action shall not apply to an employee of a clerk who harms or threatens to harm such clerk.

Rep. Windle moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2141**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson,

Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2286** -- County Officers - Authorizes register of deeds of Lincoln County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies upon adoption of resolution by 2/3 vote of county legislative body. Amends TCA Section 8-21-1001. by *Phillips, *Fowlkes. (SB2384 by *Cooper)

Rep. Fowlkes moved to re-refer House Bill No. 2286 to the Committee on Calendar & Rules, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2289** -- Solid Waste Disposal - Authorizes municipality to exercise power of eminent domain to establish landfill outside corporate boundaries only if governing body of area where landfill to be located approves action by 2/3 vote at two consecutive, regularly scheduled meetings. Amends TCA Title 68, Chapter 211, Part 1 and Part 9. by *Stulce, *Lewis, *Walker (Rhea), *Wood, *McAfee, *Haley, *Pleasant, *Sharp, *Kerr, *Walker (Blount), *Boyer, *Sargent, *Bittle. (SB2425 by *Cooper)

Senate Amendment No. 1

AMEND House Bill No. 2289 by deleting from the amendatory language of Section 1, the language "a two-thirds (2/3) vote" and substituting instead, the language "a majority vote".

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2289**, which motion prevailed by the following vote:

Ayes 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp,

Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2394 -- Education, State Board of - Requires board and local education agencies, located entirely or partially within 100 miles of the New Madrid fault line, to implement earthquake drills. Amends TCA Section 49-1-302. by *Hargett, *Bowers, *Kernell, *Haley, *Pleasant, *Fitzhugh, *Maddox, *Pinion. (*SB2215 by *Carter)

Senate Amendment No. 1

AMEND House Bill No. 2394 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302, is amended by adding the following language as a new, appropriately designated subsection:

(1) The board is urged to promulgate, in accordance with title 4, chapter 5, rules requiring each local education agency, having a jurisdiction that lies entirely or partially within one hundred (100) miles of the New Madrid fault line, to implement earthquake preparedness drills in each of the schools administered by such local education agency. If the board develops such rules, the board shall consult and collaborate with the Tennessee emergency management agency and the state fire marshal. Such rules shall include a model plan for earthquake preparedness drills in schools, and such model plan shall be suitable for adoption and/or modification by affected local education agencies.

(2) If the board develops such rules, the required drills shall be conducted at least twice every school year. A record of earthquake preparedness drills, including the time and date, shall be kept in the respective schools and shall be made available for review upon request by the board.

Rep. Hargett moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2394**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2429** -- Trade Regulation - Restricts sale of a variety of products at flea markets. Amends TCA Title 47, Chapter 25, by *Maddox, *Godsey, *Mumpower, *Bone, *Caldwell, *Dunn, *White, *Sands, *Sargent, *Bittle. (SB2603 by *Herron)

Senate Amendment No. 2

AMEND House Bill No. 2429 By deleting the language "Class B" from subsection (e)(2) and subsection (f)(2) of the amendatory language of Section 2, and by substituting instead the language "Class C".

Rep. Maddox moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2429**, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Fowlkes -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2787 -- Tennessee Wildlife Resources Agency - Authorizes executive director to establish agent fee, through competitive bidding contract procedures, for sale of licenses, permits and stamps by telephone or other electronic means. Amends TCA 70-2-106(b). by *Cross. (*SB2992 by *Gilbert)

Rep. Cross moved that House Bill No(s). 2787 be reset for the Message Calendar on April 29, 1998, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2790 -- Game and Fish Laws - Raises penalties for certain offenses; authorizes use of forfeited property in fish and wildlife programs. Amends TCA Section 70-4-102(c); Section 70-4-201(d); Section 70-6-202(b) and Title 70, Chapter 1, Part 1. by *Cross, *Boyer. (*SB2993 by *Gilbert)

Senate Amendment No. 4

AMEND House Bill No. 2790 by adding the following language to the end of Section 3, subsection (b), of the printed bill as amended, prior to the period ".":

provided that the seized item is similar in kind and not substantially greater in value than like equipment that is procured and used by the wildlife resources agency in its operations.

Senate Amendment No. 2

AMEND House Bill No. 2790 by adding the following new section to the printed bill as amended and by redesignating the subsequent sections accordingly:

Section ____ Tennessee Code Annotated, Section 70-4-201(b), is amended by inserting the language "with the intent to sell, barter or transfer for any consideration" between the word "possession" and the word "of".

Rep. Cross moved that the House concur in Senate Amendment(s) No(s). 4 and 2 to **House Bill No. 2790**, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Beavers -- 1.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Bowers moved to lift from the table the motion to reconsider action in passing Senate Bill No. 2823, which motion prevailed.

Senate Bill No. 2823 -- Contractors - Requires governor to appoint each member of state board of contractors who is residential contractor from list of names submitted by Home Builders Association of Tennessee, Inc. Amends TCA Section 62-6-104. by *Ramsey. (*HB2385 by *Bowers, *Armstrong, *Miller L, *Cooper B, *Jones U (Shelby), *Towns, *Haley)

Rep. Bowers moved to reconsider action in passing Senate Bill No. 2823, which motion prevailed.

Rep. Bowers moved that Senate Bill No. 2823 be passed on third and final consideration.

Rep. Bowers moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2823 by deleting the first sentence of the amendatory language of Section 1 and substituting instead, the following:

For each member appointed to the board who is a residential contractor, the Home Builders Association of Tennessee, Inc. shall submit a list of recommended persons to the governor, and the governor shall consult with the Home Builders Association of Tennessee, Inc. about their recommendations before making any such appointment.

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved that **Senate Bill No. 2823**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2902 -- Taxes, Personal Property - Substitutes surface transportation board for interstate commerce comptroller as certifying boats and barges subject to taxation by comptroller. Amends TCA Section 67-5-1301. by *Kisber. (*SB3012 by *Henry)

Senate Amendment No. 2

AMEND House Bill No. 2902 by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1301(13), is hereby amended by deleting the language "and which hold a certificate of convenience and necessity from the department of transportation, the interstate commerce comptroller or any other federal or state regulatory agency." And by substituting instead the following language:

which are registered with the U.S. Army Corps of Engineers or any other federal or state agency and/or domiciled in this state and/or owning or leasing real or personal property located in this state.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2902**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2904** -- Education - Enacts "Safe Schools Act of 1998." Amends TCA Title 49, Chapter 3, Part 3 and Chapter 6. by *Hargrove, *Davidson, *DeBerry L, *Naifeh, *Rinks, *Arriola, *McDonald, *Kisber, *Williams (Williamson), *Fraleay, *Hood, *Miller L, *West, *Fitzhugh, *Maddox, *Chumney, *Sands, *Bowers, *Ridgeway, *Stulce, *Robinson, *Cole (Dyer), *Pruitt, *White, *Eckles, *Cooper B, *Ritchie, *McMillan, *Lewis, *Turner (Hamilton), *Langster, *Givens, *Kent, *Cole (Carter), *DeBerry J, *Jones U (Shelby), *Jones, S., *Brooks, *Windle, *Walley, *Boyer, *Armstrong, *Odom, *Bittle, *Haley, *Newton, *Hargett, *Pleasant, *Walker (Blount), *Kernell, *Walker (Rhea), *Boner, *Dunn, *Sargent, *Patton, *Davis R, *Ford S, *Huskey, *Godsey, *Mumpower, *McAfee, *Brown, *Caldwell, *Ferguson, *Winningham, *Roach, *McKee, *Whitson. (SB3131 by *Crutchfield, *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 2904 by deleting Section 3 of the bill in its entirety and substituting the following:

SECTION 3. Tennessee Code Annotated, Section 49-6-4302, is further amended by adding the following new subdivision:

(c)(2) The grants provided for in subdivision (c)(1) shall be distributed as follows:

(A) Funding would be available to each local education agency in the same percentage that the local education agency's share of BEP funding bears to statewide BEP funding.

(B) Funding would be subject to a twenty-five percent (25%) match by the local education agency, adjusted for the local education agency's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the local education agency.

(C) State funding would also be subject to submission by the local education agency to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in (c)(1), an approval of that plan by the center. The center should not unreasonably withhold funding, but should allow local education agencies adequate flexibility to experiment so long as the basic requirements of this section are satisfied.

(D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for a local education agency which is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that local education agency in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2904**, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Sargent -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3012 -- Motor Vehicles - Revises from one day to seven days time within which local law enforcement agency should forward written report of motor vehicle accident to department of safety; requires department to monitor timeliness of forwarding of such reports. Amends TCA Section 55-10-108. by *Westmoreland. (*SB2607 by *Herron)

Senate Amendment No. 4

AMEND House Bill No. 3012 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section 55-10-108, is amended by adding a new subsection:

() A person who holds a professional license regulated in the Executive Branch of the State of Tennessee who uses information obtained pursuant to this section in violation of a code of professional ethics or rule of professional conduct is guilty of a Class B misdemeanor punishable by fine only.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Westmoreland moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 3012**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3090 -- Domestic Violence - Deletes provision removing jurisdiction of civil or criminal division of the Shelby County general sessions court from issuing orders for protection in domestic abuse cases after 8/31/98. Amends Chapter 96 of the Public Acts of 1997. by *DeBerry J. (*SB2765 by *Person)

Senate Amendment No. 2

AMEND House Bill No. 3090 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. J. DeBerry moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 3090**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3165 -- Crime, Victims of - Requires court to permit and allow jury to consider testimony from victim's family at sentencing hearing for first degree murder. Amends TCA Title 39, Chapter 13. by *McMillan, *Buck, *Scroggs, *Jackson, *McDonald, *Newton, *Haley, *Hargett, *Pleasant, *Stamps, *Langster, *Givens, *Godsey, *Mumpower, *Hargrove, *Maddox, *Fitzhugh, *Kent, *Cole (Carter), *Beavers, *Goins, *Phelan, *Cole (Dyer), *Rinks, *McKee. (*SB2943 by *Burks, *Graves, *Kurita, *Davis L, *Harper, *Williams, *Springer)

Senate Amendment No. 2

AMEND House Bill No. 3165 by deleting from the first sentence of the amendatory language of Section 1 of the printed bill the words "shall permit" and by substituting instead the words "may permit".

Senate Amendment No. 3

AMEND House Bill No. 3165 by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 3165**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2673 -- Alcoholic Beverages - Permits beer container sizes of 10 to 17 ounces, 22 or 40 ounces or one gallon or more. - Repeals TCA Section 57-5-112. by *Tindell, *Turner (Hamilton). (*SB2812 by *Crutchfield)

Senate Amendment No. 1

AMEND House Bill No. 2673 change effective date to July 1, 1998.

Rep. Tindell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2673**, which motion prevailed by the following vote:

Ayes 68
Noes 18
Present and not voting 5

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Gunnels, Hargrove, Hassell, Head, Hicks, Jones S., Jones U., Kent, Langster, Lewis, Maddox, McAfee, McDaniel, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Rhea), West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Beavers, Chumney, Cross, Dunn, Ford, Godsey, Goins, Haley, Hood, Kernell, Kerr, McDonald, Mumpower, Phillips, Pinion, Walker (Blount), Walley, Wood -- 18.

Representatives present and not voting were: Bird, Eckles, Jackson, Ritchie, Sharp -- 5.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3183 -- Highway Signs - Makes possession of highway signs by unauthorized person Class B misdemeanor, punishable only by fine of \$500; allots fines to county highway department of county from which sign was taken. Amends TCA Title 54, Chapter 10, Part 1. by *McDonald, *Fowlkes, *Robinson, *Maddox, *Bone, *Goins, *Ford S, *Patton, *Walker (Blount). (*SB3210 by *Haun)

Senate Amendment No. 1

AMEND House Bill No. 3183 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 10, Part 1, is amended by adding the following new section thereto:

Section ___. (a) The possession of a municipal or county traffic control sign erected upon any municipal or county street, road or highway by any person who is not an employee of a municipal or county highway department, or who has not entered into a contract with a municipality or county for the sale or erection of a traffic control sign, is a Class B misdemeanor punishable by a fine only of not more than five hundred dollars (\$500). The possession of each traffic control sign in violation of this section shall be considered a separate offense.

(b) The provisions of this section shall only apply to a municipal or county traffic control sign which contains markings or other form of identification upon such traffic control sign indicating the municipality or county which erected or caused to be erected such sign, and the date such sign was acquired or erected by such municipality or county.

(c) In addition to the fine provided for in (a), any person convicted of a violation of this section shall also be required to pay restitution to the highway department, which erected or caused to be erected such traffic control sign, for the costs of replacing the sign. The highway department shall submit information documenting the costs of replacement for the judge to review. After review, the judge shall order the appropriate amount of

restitution which shall be distributed directly to the highway department.

(d) The provisions of this section shall only apply to municipal or county traffic control signs which are acquired or erected after the effective date of this act.

Section ___. (a) The possession of a municipal or county street, road or highway sign erected upon any municipal or county street, road or highway by any person who is not an employee of a municipal or county highway department, or who has not entered into a contract with a municipality or county for the sale or erection of a street, road or highway sign, is a Class B misdemeanor punishable by a fine only of not more than five hundred dollars (\$500). The possession of each street, road or highway sign in violation of this section shall be considered a separate offense.

(b) The provisions of this section shall only apply to a municipal or county road, street or highway sign which contains markings or other form of identification upon such sign indicating the municipality or county which erected or caused to be erected such sign, and the date such sign was acquired or erected by such municipality or county.

(c) In addition to the fine provided for in (a), any person convicted of a violation of this section shall also be required to pay restitution to the highway department, which erected or caused to be erected such street, road or highway sign, for the costs of replacing the sign. The highway department shall submit information documenting the costs of replacement for the judge to review. After review, the judge shall order the appropriate amount of restitution which shall be distributed directly to the highway department.

(d) The provisions of this section shall only apply to municipal or county street, road or highway signs which are acquired or erected after the effective date of this act.

by deleting the effective date section and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

Rep. McDonald moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3183**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3212 -- Tennessee Wildlife Resources Agency - Authorizes TWRA to promulgate rules and regulations establishing fees and guidelines for sport firing ranges and to contract for operation and maintenance of such facilities; requires fees to be deposited in wildlife resources fund. Amends TCA Title 70, Chapter 2, Part 2. by *Cross. (*SB3224 by *Kyle)

Senate Amendment No. 1

AMEND House Bill No. 3212 by adding the following as an appropriately designated new section of the printed bill as amended:

Section ____ Notwithstanding any other provision of law to the contrary, the provisions of this act shall apply only to indoor firing ranges.

Rep. Cross moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3212**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 3262** -- Highway Signs - "Bill Morris Parkway," State Highway 385, Shelby County. by *Kyle, *Person, *Dixon, *Ford J, *Leatherwood, *Cohen, *Harper. (HB3313 by *Jones U (Shelby), *Haley, *Chumney, *Miller L, *Hassell, *Brooks, *DeBerry L, *Towns, *Pleasant, *DeBerry J, *Bowers, *Cooper B, *Scroggs, *Turner (Shelby), *Armstrong, *Kernell, *Kent, *Naifeh, *Rinks, *Kisber, *Hargrove, *Walley, *Maddox)

Rep. U. Jones moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 3262, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 3262**

Pursuant to **Rule No. 73**, Representative U. Jones moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 3262, which motion prevailed.

The Speaker appointed Representatives Chumney, Miller, Kent and U. Jones as the House members of the Conference Committee on Senate Bill No. 3262.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3352** -- Parks, Natural Areas Preservation - Transfers jurisdiction and control of Chucalissa Indian Village and Museum from University of Memphis to department of environment and conservation. by *Cooper B, *Bird, *Brooks, *Kernell, *Turner (Shelby), *Miller L, *Jones U (Shelby). (SB3297 by *Dixon)

Senate Amendment No. 2

AMEND House Bill No. 3352 by deleting Section 2 as amended and by substituting instead the following:

SECTION 2. This act shall have no effect unless sufficient funds are specifically appropriated to fund the operation and maintenance of the facility.

Rep. Cooper moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 3352**, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 716** -- County Officers - Extends from 60 to 75 days period for county election commission to notify constables association of election results. Amends TCA Title 8. by *Windle, *West, *Davidson. (SB1289 by *Davis L)

Senate Amendment No. 2

AMEND House Bill No. 716 by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, section 8-24-105(e), is amended by adding the following language at the end of the subsection:

The term "average annualized general increase in state employees' compensation" includes all increases made to state employees' salaries and improvements to state employees' benefits. Benefits shall not include health benefits, but shall include only longevity, deferred compensation, and retirement improvements.

Rep. West moved that the House non-concur in Senate Amendment(s) No(s). 2 to **House Bill No. 716**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1935** -- Public Records - Permits district attorney to institute replevin action to recover public records that have been unlawfully removed Amends TCA Section 39-16-504. by *Phelan. (SB1920 by *Carter)

Senate Amendment No. 1

AMEND House Bill No. 1935 by deleting from the amendatory language of Section 1(c)(1) the words "to replevin" and by substituting instead the words "to obtain a warrant for possession of".

Senate Amendment No. 2

AMEND House Bill No. 1935 by deleting from the amendatory language of Section 1(c)(1) the words "district attorney general" and by substituting instead the following words and punctuation:

city attorney, county attorney or attorney general, as the case may be,

Senate Amendment No. 3

AMEND House Bill No. 1935 by deleting the amendatory language of Section 1(c)(2) and by substituting instead the following:

(2) Such records shall be returned to the office of origin immediately after safeguards are established to prevent further recurrence of unlawful transfer or removal.

Rep. Phelan moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 1935**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2106** -- Teachers - Allows LEAs to use state-paid insurance premium funds for IRA flexible benefit programs. Amends TCA Section 8-27-303. by *Jackson, *West. (SB2365 by *Springer)

Senate Amendment No. 2

AMEND House Bill No. 2106 by deleting Section 1 and substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 8-27-303, is amended by deleting subsection (j) in its entirety and substituting instead the following paragraph:

Beginning July 1, 1998, each local education agency shall pay on behalf of each eligible employee, as defined in Section 8-27-302(d)(2), participating in the health insurance coverage authorized by Section 8-27-302(a) or subdivision (a)(2) as a minimum the percentage specified in the general appropriations act of the premium collected on behalf of each such employee. Distribution of a like amount to each eligible employee through a flexible spending arrangement authorized by Section 125 of the Internal Revenue Service Code shall satisfy the requirements of this subsection. Such amounts shall be certified to the

commissioner of education and the director of each local education agency by the local education insurance committee each fiscal year.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2106**, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Maddox -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2520** -- Custody and Support - Makes willingness of parent to encourage child to have frequent and continuing contact with other parent most heavily weighted factor in determining custody. Amends TCA Title 36, Chapter 6, Part 1. by *DeBerry J, *Armstrong, *Burchett, *Bone, *Bird. (SB2828 by *Ramsey)

Rep. J. DeBerry moved that House Bill No(s). 2520 be reset for the Message Calendar on April 23, 1998, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2759 -- District Attorneys - Provides that when district attorney general brings proceeding to terminate tenancy of occupant of premises because premises being used for drug violations, landlord must pay all labor force costs of eviction not to exceed \$200 per eviction. Amends TCA Section 66-7-107. by *DeBerry J. (*SB2748 by *Person)

Senate Amendment No. 1

AMEND House Bill No. 2759 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-7-107, is amended by adding the following new subsection (e):

(e) The owner or landlord of the real property is obligated to pay the costs required to physically remove the tenant's personal belongings from the rental property in compliance with an eviction order of the court in all eviction proceedings brought under this section by the district attorney general; such costs not to exceed two hundred dollars (\$200) for each such eviction order.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. J. DeBerry moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2759**, which motion prevailed by the following vote:

Ayes	87
Noes	4
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Beavers, Givens, Goins, Turner (Shelby) -- 4.

Representatives present and not voting were: Bird, Brooks, Cooper, Dunn -- 4.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2897** -- Custody and Support - Sets standards for custodial parent proposing to relocate with child. Amends TCA Title 36, Chapter 6. by *McMillan, *Patton. (SB3141 by *Haynes)

Senate Amendment No. 1

AMEND House Bill No. 2897 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following new section:

Section 36-6-1__.

(a) If a parent who is spending intervals of time with a child desires to relocate outside the state or more than one hundred (100) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move. The notice shall contain the following:

- (1) statement of intent to move;
- (2) location of proposed new residence;
- (3) reasons for proposed relocation; and

(4) statement that the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

(b) Unless the parents can agree on a new visitation schedule, the relocating parent shall file a petition seeking to alter visitation. The court shall consider all relevant factors, including those factors enumerated within subsection (d) below. The court shall also consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall assess the costs of transporting the child for visitation and determine whether a deviation from the child support guidelines should be considered in light of all factors including, but not limited to, additional costs incurred for transporting the child for visitation.

(c) If the parents are actually spending substantially equal intervals of time with the child and the relocating parent seeks to move with the child, the other parent may, within thirty (30) days of receipt of notice, file a petition in opposition to removal of the child. No presumption in favor of or against the request to relocate with the child shall arise. The court shall determine whether or not to permit relocation of the child based upon the best interests of the child. The courts shall consider all relevant factors including the following where applicable:

The extent to which visitation rights have been allowed and exercised;

Whether the primary residential parent, once out of the jurisdiction, is likely to comply with any new visitation arrangement;

The love, affection and emotional ties existing between the parents and child;

(4) The disposition of the parents to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent has been the primary caregiver;

(5) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

(6) The stability of the family unit of the parents;

(7) The mental and physical health of the parents;

(8) The home, school and community record of the child;

(9) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preferences of older children should normally be given greater weight than those of younger children;

(10) Evidence of physical or emotional abuse to the child, to the other parent or to any other person; and

(11) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child.

(d) If the parents are not actually spending substantially equal intervals of time with the child and the parent spending the greater amount of time with the child proposes to relocate with the child, the other parent may, within thirty (30) days of receipt of the notice, file a petition in opposition to removal of the child. The other parent may

not attempt to relocate with the child unless expressly authorized to do so by the court pursuant to a change of custody or primary custodial responsibility. The parent spending the greater amount of time with the child shall be permitted to relocate with the child unless the court finds:

(1) The relocation does not have a reasonable purpose; or

(2) The relocation would pose a threat of specific and serious harm to the child which outweighs the threat of harm to the child of a change of custody; or

(3) The parent's motive for relocating with the child is vindictive in that it is intended to defeat or deter visitation rights of the non-custodial parent or the parent spending less time with the child.

Specific and serious harm to the child shall include, but is not limited to, the following:

(1) If a parent wishes to take a child with a serious medical problem to an area where no adequate treatment is readily available;

(2) If a parent wishes to take a child with specific educational requirements to an area with no acceptable education facilities;

(3) If a parent wishes to relocate and take up residence with a person with a history of child or domestic abuse or who is currently abusing alcohol or other drugs;

(4) If the child relies on the parent not relocating who provides emotional support, nurturing and development such that removal would result in severe emotional detriment to the child;

(5) If the custodial parent is emotionally disturbed or dependent such that he or she is not capable of adequately parenting the child in the absence of support systems currently in place in this state, and such support system is not available at the proposed relocation site; or

(6) If the proposed relocation is to a foreign country whose public policy does not normally enforce the visitation rights of non-custodial parents, which does not have an adequately functioning legal system or which otherwise presents a substantial risk of specific and serious harm to the child.

(e) If the court finds one (1) or more of the grounds designated in subsection (d), the court shall determine whether or not to permit relocation of the child based on the best interest of the child. If the court finds it is not in the best interests of the child to relocate as defined herein, but the parent with whom the child resides the majority of the time elects to relocate, the court shall make a custody determination and shall consider all relevant factors including the following where applicable:

(1) The extent to which visitation rights have been allowed and exercised;

(2) Whether the primary residential parent, once out of the jurisdiction, is likely to comply with any new visitation arrangement;

(3) The love, affection and emotional ties existing between the parents and child;

(4) The disposition of the parents to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent has been the primary caregiver;

(5) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

(6) The stability of the family unit of the parents;

(7) The mental and physical health of the parents;

(8) The home, school and community record of the child;

(9) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preferences of older children should normally be given greater weight than those of younger children;

(10) Evidence of physical or emotional abuse to the child, to the other parent or to any other person; and

(11) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child.

The court shall consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall assess the costs of transporting the child for visitation and determine whether a deviation from the child support guidelines should be considered in light of all factors including, but not limited to, additional costs incurred for transporting the child for visitation.

(f) Nothing in this section shall prohibit either parent from petitioning the court at any time to address issues, (such as, but not limited to visitation), other than a change of custody related to the move. In the event no petition in opposition to a proposed relocation is filed within thirty (30) days of receipt of the notice, the parent proposing to relocate with the child shall be permitted to do so.

(g) It is the legislative intent that the gender of the parent who seeks to relocate for the reason of career, educational, professional, or job opportunities, or otherwise, shall not be a factor in favor or against the relocation of such parent with the child.

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2897**, which motion prevailed by the following vote:

Ayes	94
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Fitzhugh -- 1.

Representatives present and not voting were: Beavers -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3028 -- Victims Rights - Authorizes guardian of minor victim, legal representative of deceased victim and relative of victim to also file for travel expenses under victims compensation fund; expands criminal justice proceedings for which victim can claim travel expenses Amends TCA Title 29, Chapter 13 and 40 and Chapter 38. by *Buck. (*SB2581 by *Herron)

Senate Amendment No. 8

AMEND House Bill No. 3028 Amend to Insert the following new sentence between the first and second sentences:

Any award made under the preceding sentence to a victim shall not exceed one thousand two hundred fifty dollars (\$1,250) cumulative for all such proceedings.

Rep. Buck moved that the House non-concur in Senate Amendment(s) No(s). 8 to **House Bill No. 3028**, which motion prevailed.

Senate Amendment No. 1

AMEND House Bill No. 3028 by inserting the following sentence immediately after the second sentence of the amendatory language of Section 1(3):

As used in the preceding sentence, the term "legal representative of the estate of a deceased victim" shall not be construed or implemented to include any attorney who, for a fee, serves as legal representative of the estate of such victim.

Senate Amendment No. 2

AMEND House Bill No. 3028 by deleting from the first sentence of the amendatory language of Section 1(3) the words "Expenses actually and reasonably incurred as the result of" and by substituting instead the following:

Not more than one thousand two hundred fifty dollars (\$1,250.00) of expenses actually and reasonably incurred as the result of

Senate Amendment No. 7

AMEND House Bill No. 3028 Change the reference from TCA 39-13-104 to 29-13-104.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 7 to **House Bill No. 3028**, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Kerr moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 753 out of order, which motion prevailed.

House Joint Resolution No. 753 -- Memorials, Death - Adele Norwood Broady McKenzie. by *Kerr, *Walker (Blount).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kerr, the resolution was adopted.

A motion to reconsider was tabled.

ENGROSSED BILLS

April 22, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1180, 1488, 1612, 2124, 2406, 2783, 2988, 3059, 3097, 3132, 3237, 3302, 3307, 3421, 3422 and 3423, also, House Joint Resolution(s) No(s). 477, 505, 567, 616, 624, 631, 726, 727, 728, 729, 732, 735, 736, 738, 740, 745, 746 and 753.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 22, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2061, 2103, 2109, 2110, 2111, 2606, 2894, 2927, 3090 and 3156; also, Senate Joint Resolution(s) No(s). 503 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 22, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 86, 2220, 2539, 2582, 2611, 2713, 2773, 2898 and 3141; also, House Joint Resolution(s) No(s). 466, 568, 575, 581, 625, 676, 678, 680, 681, 686, 688, 689, 690, 693, 695 and 731; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 22, 1998

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 90, 91, 167, 186 and 195; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 22, 1998

The Speaker signed the following: House Resolution(s) No(s). 90, 91, 167, 186 and 195.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 22, 1998

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 86, 2220, 2539, 2582, 2611, 2713, 2773, 2898 and 3141; also, House Joint Resolution(s) No(s). 466, 568, 575, 581, 625, 676, 678, 680, 681, 686, 688, 689, 690, 693, 695 and 731.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
April 22, 1998

The following local bills have been placed on the Consent Calendar for **April 23, 1998**: House Bill(s) No(s). 3420, 3425, 3424 and 3426.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, April 23, 1998.